

# RSP Caseload Waiver Process (December 2010)

If you are a resource specialist with close to 28 students on your caseload or have 28 students on your caseload already, you may be interested in knowing the ins and outs of the caseload waiver process.

## What is a Caseload Waiver?

If your caseload reaches 28 students and your district plans to place additional students in your program, the district is required by law to submit a Resource Specialist Caseload Waiver application to the State Board of Education (SBE). This Resource Specialist Caseload Waiver document asks the state to temporarily set aside Education Code 56362(c): "No resource specialist shall have a caseload which exceeds 28 pupils."

## What is the district's responsibility when they apply for the Resource Specialist Caseload Waiver?

It is the responsibility of the district to guarantee that increasing your caseload of 28 students up to no more than 32 students would not compromise the education of any students on your caseload. The district must demonstrate to the SBE that extraordinary fiscal or programmatic conditions exist, requiring the need for placing more than 28 students on your caseload. A plan must be submitted outlining how these conditions will be resolved by the time the waiver expires.

## What does the State Board of Education (SBE) regulation require me to consider before checking agree or disagree on the waiver form? Must I agree with the waiver?

You are not required to sign the waiver. However, it is your responsibility as a professional to determine whether the education of all students in your program would be compromised by an increase beyond the limit of 28. You must assess whether you can provide services as stated on every student's IEP.

The SBE regulations stipulate that you consider all program conditions affecting the implementation of your students' IEPs. These conditions include, but are not limited to, the following: Will pupil contact time be affected? How many curriculum levels must be taught at any one time or in any given session? Would the design of instruction and the degree to which the students are taught be diminished? What are the age levels and age spans? What are the behavioral characteristics of the students served? As the resource specialist, you must realistically determine if an increase of caseload, up to 32 students, will impact the integrity of the program.

## Does my bargaining unit (PFT) get involved with the caseload waiver process?

Yes, participation of the Resource Specialist teacher's bargaining unit (PFT) is required in the waiver development process (CCR Title V, Sec. 3100(d) (4)). Since a section of the waiver form requires the signature of the bargaining unit along with the resource specialist's signature, it is necessary for the resource specialist to contact PFT to discuss the waiver application prior to consenting to the waiver.

## What does the approval of a caseload waiver mean to me?

An approved caseload waiver means the following: 1) you may increase your caseload up to 32 students, 2) the district must provide at least a daily 5-hour instructional aide 3) the effective period of the waiver does not exceed the past school year and the year it was submitted, 4) you may not have a waiver for an increase in caseload for more than two school years, and 5) you are openly acknowledging that your caseload has been exceeded and that you understand all of the legalities (56362 (c), 56362.1)

Since PUSD already provides each full time resource specialist with a five-hour instructional assistant daily, it should be noted the addition of extra IA time is considered on a case by case basis. It is important to remember there is NO circumstance in which a resource specialist could legally serve more than 32 students.

Please contact PFT offices if you have further questions, or if your caseload is currently approaching 28.