



Division of Special Education/Early Intervention Services
Special Education Staffing Plan

**Technical
Assistance
Bulletin
2**

APRIL, 2002

In February 1999 the State Board of Education approved revisions to Code of Maryland Regulations (COMAR) that included the requirement that public agencies submit a staffing plan to the Maryland State Department of Education with their annual local application for federal funds. In reviewing public agency staffing plans over the last two years, the Maryland State Department of Education identified two critical components of the staffing plan that required clarification. Representatives from public agencies, parents, advocates, and professional organizations were brought together in September 2001 to continue the work of the Staffing Model Task Force. These individuals were asked to analyze public input procedures and methods of accountability/evaluation used by public agencies. As a result of that analysis, it was recommended that the Department provide additional guidance to public agencies to clarify the expectation for sufficient documentation. It was also recommended a technical assistance bulletin is the most useful way to provide this guidance and advised MSDE to revise and update Technical Assistance Bulletin #2, *Special Education Staffing Plan*. The format of the bulletin has also been changed to provide individuals with disabilities equivalent access to the information.

1. What is a staffing plan?

A staffing plan documents the data, input process, and procedures used by an agency to determine the numbers and types of service providers needed to ensure the provision of a FAPE. A comprehensive staffing plan should consider identified student needs, teacher responsibilities, and the constraints specific to varied educational services and settings.

2. What are the required elements of a staffing plan?

COMAR 13A.05.02.13D requires the public agency's staffing plan to include the following:

- ✓ Evidence of public input;
- ✓ Evidence of maintenance of effort within the meaning of 34 CFR §300.231, Maintenance of Effort, and COMAR 13A.02.05, Maintenance of Effort;
- ✓ Staffing patterns of service providers of special education and related services;
- ✓ The number and type of service providers needed to provide a free appropriate public education (FAPE) to each student with a disability in the least restrictive environment (LRE); and
- ✓ How the public agency will use the staffing plan to monitor the assignment of personnel to ensure personnel and other resources are available to provide FAPE for each student with a disability in the LRE.

3. *What information should be included in the staffing plan?*

A public agency's staffing plan should include sufficient narrative information that describes the processes and "evidence of need" factors used by an agency to determine their staffing needs. All personnel used by a public agency to provide special education and related services to students with disabilities should be included. This also includes contractual personnel. Service providers are individuals who provide special education and related services to students with disabilities. Information that describes the staffing needs of a public agency includes, but is not limited to:

- ✓ What data was reviewed and analyzed?
 - Personnel data
 - General educators
 - Special educators
 - Related service providers
 - Contractual personnel
 - Related service providers
 - Other individuals determined appropriate
 - Certification
 - Student IEPs
 - Transportation
 - SSIS data
- ✓ How are the time requirements and staffing needs for instruction, assessments, supervision, student observations, and planning considered?
- ✓ What local accountability procedures are used to review the public agency's staffing plan to ensure implementation of IEPs, address concerns of personnel and parents, and adjust the plan to changing needs?
- ✓ What are the procedures to be followed to resolve staff and/or parent concerns?
- ✓ How will the public agency evaluate the effectiveness of the plan?
- ✓ How will public agency personnel use the staffing plan to address school improvement planning and the budgetary process?

4. *How does a public agency demonstrate maintenance of effort?*

Maintenance of effort is demonstrated when a public agency's use of federal special education funds are not used to reduce the level of expenditures from local funds for the education of students with disabilities below the level of those expenditures for the preceding fiscal year. [34 CFR §300.231(a)] There are exceptions to the maintenance of effort rule identified in 34 CFR §300.232.

5. How does a public agency determine staffing patterns of service providers?

There is no specific Statewide formula for determining staffing patterns. It is important for a public agency to analyze the number of service providers needed and how these resources will be allocated within a public agency. When making staffing decisions and determining caseloads, the public agency should focus on the identification of the services and supports necessary to fully implement IEPs of students with disabilities in the LRE in order to provide a FAPE. A public agency will be required to specify the staffing formula as a component of the Local Application for Federal Funds and to provide supporting documentation.

A public agency should consider the following guiding principles throughout the decision making and planning process. These principles have been identified to assist public agencies to develop local staffing patterns.

There must be:

- ✓ A determination that caseload and staffing decisions are based on providing the services and supports a student needs in order to receive a FAPE, rather than on a specific category of disability or severity of disability;
 - ✓ A recognition that the services and supports required by the students' individualized education programs (IEPs) are crucial factors in determining caseloads;
 - ✓ Flexibility to address changes in the factors affecting caseload and staffing which may occur throughout the school year; and
 - ✓ Compliance with federal and State law, regulation, and policies governing special education.
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6. What factors should a public agency use to determine its staffing patterns?

Staffing patterns should focus on the services and supports necessary to implement the IEPs of students with disabilities in the LRE. The factors and information used by a public agency will vary and are dependent upon local data. A public agency should consider the following in determining its staffing patterns:

- ✓ Individual student needs;
 - ✓ Direct and/or indirect services;
 - ✓ Number of students to be served;
 - ✓ Natural proportions of students with disabilities in the general population;
 - ✓ Frequency of services provided;
 - ✓ Supports for personnel on behalf of students;
 - ✓ Location of services;
 - ✓ Continuum of services;
 - ✓ Organizational structure of elementary, middle, and high schools;
 - ✓ Collaboration with general education; and
 - ✓ Linkages to school improvement plans and initiatives.
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7. How does a public agency determine the number and type of service providers needed to provide FAPE?

To determine baseline information on the number and type of service providers needed the public agency must first analyze the total number of students to receive special education and related services. By using this information and data, a public agency must determine the number of service providers needed to ensure that each student with a disability receives the services identified on the student's IEP.

The number of students served by an individual service provider will vary based upon the needs of students, the location of services, and other duties required of service providers, such as case management, service coordination, conducting assessments, participating in meetings, travel time for itinerant staff, etc. A service provider is considered to be serving an appropriate number of students if the service provider is able to implement the IEPs of all students for whom the individual is assigned instructional responsibility.

Below are some factors to be considered when determining caseload:

- ✓ How much time is allocated for class/student planning/preparation?
- ✓ How much time is specified for the provision of direct services on the IEPs?
- ✓ How much time is specified for the provision of indirect services on the IEPs?
- ✓ What is (are) the location(s) for service(s)?
- ✓ What is the frequency of service delivery?
- ✓ How much time is needed for providing supports to other professionals on behalf of students?
- ✓ Is the service provider responsible for the supervision of support personnel, e.g., paraeducators, assistants, or aides?

8. What are the requirements for evaluating staffing plans and how should a public agency evaluate whether the staffing plan is meeting the needs of the agency?

A public agency is to evaluate the effectiveness of the staffing plan including the sufficiency of staff, number of students served, types of service provided, and the allocation of service providers. As a result of the evaluation, a public agency should be able to identify future staffing needs and any barriers that need to be addressed, and to revise the staffing plan as necessary to ensure the provision of a FAPE in the LRE to students with disabilities. Each public agency is accountable for the development of a staffing plan that meets the needs of students by ensuring the implementation of IEPs, addressing the concern of personnel and parents and adjusting staffing to address changing needs so that each student receives a FAPE.

There are many considerations when evaluating the effectiveness of the staffing plan. A central question when evaluating a plan might be, "Were all children served in a manner that is likely to result in meaningful educational progress in the LRE?" Factors to examine when making this determination include, but are not limited to the following questions:

- ✓ Was any student or any group of students denied FAPE for a period of time due to a lack of teachers or any other service provider?
- ✓ Did the public agency rely on short-term or long-term subs?

- ✓ How many unanticipated positions were assigned during the year?
- ✓ For itinerant personnel, what is the impact of travel time upon services?
- ✓ Is sufficient time included within the plan to provide educators, related service providers, and others the ability to consult with each other and families?
- ✓ Were children moved to other classrooms or other schools due to unavailability of staff?
- ✓ Did complaints or hearing decisions cause appointment or reallocation of staff?
- ✓ Did appeals for positions from administrative staff cause appointment of unanticipated staff?
- ✓ Did mobility factors, transfers, or move-ins drive the allocation of additional staff at any time during the year?
- ✓ What is the relationship between the allocation of staff and the public agency's LRE data?
- ✓ What is the relationship between the public agency's performance results and staffing patterns?
- ✓ Was the need for transportation, i.e. time on the bus, support staff, etc., considered when staff allocation was under consideration?
- ✓ Was the effectiveness of the staffing plan evaluated at regular intervals during the year?

Documentation of actions based on the above questions include, but are not limited to:

- ✓ Evidence of changes made to the staffing plan during the year;
- ✓ Changes in reassignments, new assignments or allocations of full time equivalencies (FTEs);
- ✓ Number of unserved children identified and served; and
- ✓ Evidence the next plan reflected the results/analysis of the evaluation of the previous plan.

9. What are the basic requirements for public input in the development of the staffing plan?

First, a public agency will solicit public input in advance of the deadline for developing the staffing plan so that input can be received, considered and/or utilized prior to the plan's final version. The staffing plan will include a narrative which describes the efforts by the public agency to obtain public input from the following sources or provide evidence that the public agency obtained input from the following sources:

- ✓ Parent community;
- ✓ Staff, representing both general education and special education, including, but not limited to administrators, teachers, support services, etc.;
- ✓ School and community related organizations; and
- ✓ Concerned citizens.

The public agency documentation should be as specific as possible with regards to:

- ✓ Who provided input;
- ✓ What types of input were received;
- ✓ When did the public have an opportunity for public input;
- ✓ Where did public input occur;
- ✓ How did a local school system notify the public of the jurisdiction's request for public input; and
- ✓ Did the public agency involve their local special education advisory committee?

10. What strategies can be used for obtaining public input to the staffing plan?

Strategies should include the following:

- ✓ Publication of a timeline for public input into the development, implementation, finalization, and evaluation stages of the staffing plan process;
- ✓ Documentation of efforts to receive meaningful input from all stakeholders;
- ✓ Multiple opportunities and times to provide input;
- ✓ The use of various methods for public input (ex. Interviews, surveys, written comments, large group gatherings, and small group gatherings); and
- ✓ Utilizing the indicators and results of numerous other available data sources in the development of the plan, including needs as identified through the school improvement planning process, monitoring feedback from consumers, analyzing complaints, and the changing needs of the population, mobility, etc.

The staffing plan should be made available in alternative formats, sites, to accommodate the needs of the agency and community. As examples, consider the use of the following:

- ✓ An agency web-site;
- ✓ Alternative electronic means;
- ✓ PTA meetings;
- ✓ Newsletters;
- ✓ Local press;
- ✓ Public service announcements;
- ✓ Libraries; and
- ✓ Partners for Success Centers

11. What can an agency use to document public input into the staffing plan?

A public agency may use any of the following:

- ✓ Agendas for public input meetings
- ✓ Board agendas
- ✓ Sign-in sheets for participants at public input meetings
- ✓ Copies of public notices and announcements
- ✓ Minutes from public input meetings
- ✓ Board minutes
- ✓ Numbered drafts
- ✓ Documents provided for public input
- ✓ Documents showing timelines, current allocations, special needs of students, staffing formulas, anticipated future needs, and projected staffing needs.

12. What are the requirements for evaluating the public input into staffing plans and how does a public agency document the evaluative results of the public input process?

Public input is an important part of the process when constructing a staffing plan. Each public agency is responsible for ensuring the public input process results in meaningful participation by a broad and diverse group of stakeholders. A public agency is to evaluate the process used to solicit broad-based meaningful public input and its impact in the development of the final staffing plan. Considerations when evaluating this process include, but are not limited to:

- ✓ What opportunities and venues were provided to the public for input?
- ✓ Did parents, school staff, and other community members participate?
- ✓ Did parents represent a broad cross section of the school population?
- ✓ What methods were used to solicit input?
- ✓ How many people participated in the input process?
- ✓ How was the input used in shaping the plan or drafting the final plan?
- ✓ Were any suggestions not addressed? Why?

Documentation of actions based on the above questions should include:

- ✓ Evidence of the number and types of activities used to solicit and garner public input;
- ✓ Demographics of participants;
- ✓ Composition of comments received and disposition of comments;
- ✓ Evidence of changes made to the staffing plan during the year; and
- ✓ Changes in reassignments, new assignments or allocations of FTEs.

For more information, call 410-767-0858

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