

Special Education Business Rules for Schools

One of the primary goals of A Shared Path to Success is to ensure every student with an IEP is educated in the least restrictive environment in order to minimize the impact of their disability and maximize their opportunity to learn. This document explains the business rules of how the percentage of special education is calculated, which is one measure of LRE and consistent with how the US DOE measures LRE nationally. In order to capture the student's LRE/% of time in SE accurately, it is important for IEPs to be completed thoroughly and so this document also includes examples of IEPs that contain all the information necessary to capture the student's program. This document includes:

Business Rules

[How to Calculate Time Student is Receiving Special Education?](#)

[Examples of calculating for schools with 6, 7, and 8 period days](#)

[Guidance for schools with unconventional schedules](#)

Definitions

[Examples of complete IEPs that capture program recommendations](#)

[Determining the Funding Category for Full Time Services](#)

[FAQs collected during the webinar and following](#)

Business Rules

The Fair Student Funding special education allocation covers percent of time spent in a SETSS, ICT, or SC setting with a special education teacher. The allocation does not include funding for the below IEP services (as these services are funded through discrete allocations), therefore, these services should not be included when calculating the time spent receiving special education services:

- Time spent in related services (i.e. counseling, speech, OT, PT).
- Time spent receiving IEP support services (i.e. IEP paras, adaptive physical education, assistive technology).

While there are similarities between LRE/the continuum of services and the funding models, the funding models are based on adequately funding resources- meaning that more restrictive does not always mean more dollars.

Business Rules for FSF Funding Categories:

- ≤20% time in special education
 - This allocation covers part-time programming of up to 20% of the school day (excluding lunch) with a special education teacher, including SETSS, ICT, or special class.
- 21-59% time in special education
 - This allocation covers any part-time programming that is more than 20% but less than 60% of the school day (excluding lunch) with a special education teacher, including SETSS, ICT, or special class.
 - EXCEPTION for SY 12-13 and SY 13-14: For schools with an 8 period day including lunch [7 periods per day excluding lunch], if the student receives ICT for 4 core academic areas (ELA, Math, Science, and Social Studies), then this will be considered full-time (57%). Funding would be allocated within a 4/7ths credit allocation.
 - This allocation covers percent of time spent in any setting with a special education teacher, including SETSS, ICT, and/or special class.
- ≥60% time in special education AKA full-time programming

- There are two funding categories for students receiving SE services for at least 60% of their day: Full-time ICT or Full-time SC.
- This allocation covers all special education programming that covers 60% or greater of the school day (excluding lunch) with a special education teacher, including SETSS, ICT, or special class.
 - EXCEPTION for SY 12-13 and SY 13-14: For schools with an 8 period day including lunch [7 periods per day excluding lunch], if student receives ICT for all 4 core academic areas (ELA, Math, Science, and Social Studies), then this will be considered full-time (57%). Funding would be allocated within a 4/7ths credit allocation.
- This allocation does not include time spent in related services (counseling, speech, OT, PT), which is funded through a separate allocation.
- This allocation covers percent of time spent in any setting with a special education teacher, including SETSS, ICT, and/or special class.

Student Exclusions: The following pupil types are not funded through the Fair Student Funding SwD weight:

- ASD Specialized Programs and Hearing & Vision programs and services for SwDs are all funded discretely outside of the FSF allocation
- Pre-K, GED, and students that turned 21 in the previous school year are not entitled to FSF funding
- D75 Inclusions students are funded thru the FSF Grade Weight and do not generate funding under the FSF Special Education Needs weight.

NOTE: SETSS (Direct + Indirect) cannot be recommended for < 3 hours per week or >50% of a student's schedule

How to Calculate Time Student is Receiving Special Education?

- Exclude lunch
- Include gym, art and other specials
- % of time receiving SE =
$$\frac{\text{Periods per week with SE services}}{\text{Total periods per week (excluding lunch)}}$$

Ex: Student receives ICT 5 periods per week and SC 5 periods per week. The school has 35 periods per week including lunch.

$$(5 \text{ ICT} + 5 \text{ SC}) / (35 - 5 \text{ lunch}) = 10/30 = 33\%$$

Total periods per week (the denominator) includes all periods in the traditional 6 hour 20 minute day, excluding lunch. Before-school, after-school, homeroom, and extended day periods are not included. Periods in excess of the 6 hour & 20 minute day are considered discretionary, and are not included in the "total period per week" calculation.

Below you will find a chart depicting calculations of the most common school schedules and [guidance on how schools with unconventional schedules](#) will be addressed.

Examples of calculating for schools with 6, 7, and 8 period days

Total SETSS Freq	Total ICT Freq	Total SC Freq	Total Service Freq	6 Instructional Periods per Day (7 periods less lunch)		7 Instructional Periods per Day (8 periods less lunch)		8 Instructional Periods per Day (9 periods less lunch)	
				Calculation of Percent of Time	Funding Category / Reason	Calculation of Percent of Time	Funding Category / Reason	Calculation of Percent of Time	Funding Category / Reason
5	0	0	5	5 periods of service / 30 periods per week = 17%	Single-service / Student receives SE services ≤20% of the instructional day; the service category has no barring on determining funding	5 periods of service / 35 periods per week = 14%	Single-service / Student receives SE services ≤20% of the instructional day; the service category has no barring on determining funding	5 periods of service / 40 periods per week = 13%	Single-service / Student receives SE services ≤20% of the instructional day; the service category has no barring on determining funding
0	0	10	10	10 periods of service / 30 periods per week = 33%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding	10 periods of service / 35 periods per week = 29%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding	10 periods of service / 40 periods per week = 25%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding
5	0	10	15	15 periods of service / 30 periods per week = 50%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding	15 periods of service / 35 periods per week = 43%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding	15 periods of service / 40 periods per week = 38%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding
0	20	0	20	20 periods of service / 30 periods per week = 67%	Full-time ICT / Student receives SE services ≥60% of the instructional day and is therefore "full-time"; because ICT service ≥ SC service, the funding category is ICT	20 periods of service / 35 periods per week = 57%	21% - 59% or Full-time ICT Funding / Student may be eligible for the "four-sevenths exception"; if the student has recommendations for ICT in each of the four-core subjects (Math, Science, ELA, Social Studies), the funding category is full-time ICT, otherwise, 21% - 59%	20 periods of service / 40 periods per week = 50%	Multi-service / Student receives SE services between 21% - 59% of the instructional day; the service category has no barring on determining funding
5	10	10	25	25 periods of service / 30 periods per week = 83%	Full-time ICT / Student receives SE services ≥60% of the instructional day and is therefore "full-time"; because ICT service ≥ SC service, the funding category is ICT	25 periods of service / 35 periods per week = 71%	Full-time ICT / Student receives SE services ≥60% of the instructional day and is therefore "full-time"; because ICT service ≥ SC service, the funding category is ICT	25 periods of service / 40 periods per week = 63%	Full-time ICT / Student SE services ≥60% of the instructional day and is therefore "full-time"; because ICT service ≥ SC service, the funding category is ICT
0	10	20	30	30 periods of service / 30 periods per week = 100%	Full-time Self Contained / Student SE services ≥60% of the instructional day and is therefore "full-time"; because SC service > ICT service, the funding category is SC	30 periods of service / 35 periods per week = 86%	Full-time Self Contained / Student SE services ≥60% of the instructional day and is therefore "full-time"; because SC service > ICT service, the funding category is SC	30 periods of service / 40 periods per week = 75%	Full-time Self contained / Student SE services ≥60% of the instructional day and is therefore "full-time"; because SC service > ICT service, the funding category is SC
					= Single-service		= Multi-service		= Full-time service

***Note: This chart is not an exhaustive list of all possible combinations of services, frequencies and instructional periods; schools with unique programs should seek guidance from their CFN

Guidance for schools with unconventional schedules

*When frequency is determined, assume 1 period equals 45 minutes. If your school uses block scheduling, a 90 minute block period should be counted as 2 periods, and indicated as such on the IEP.

*For MS and HS, this information will be pulled from STARS. If your school requires an exception, please contact your CFN who can override this information.

*For schools with unconventional schedules that do not align to these business rules, a Cluster level review will determine how % of SE will be determined. If periods are non-standard in length, % of time will be determined by minutes.

*If a student is on a part time schedule, such as 5th and 6th year Seniors, the total periods per week (the denominator) is still the school's total periods per week, not the periods the individual student attends.

*If a school follows a 10 day cycle, the average periods per 5 day week will be used as the denominator.

Definitions

Part-time & Flexible Programming

The terms Part-time and Flexible Programming are not synonymous. Part-time refers to the percentage of time a student receives special education services. Flexible programming refers to a student receive special education service through more than one type of program.

Flexible programming

Flexible programming refers to instances where the student is served within multiple recommended program types, for example:

- SETSS and ICT
- SETSS and special class
- ICT and special class
- SETSS, ICT, and special class

Students can receive special education part time and be either flexibly programmed or recommended for a single program

- Part-time flexibly programmed:
 - Ex: Student is recommended for SC for math 5 periods per week and ICT for ELA 10 periods per week
 - 15 periods of SE/35 periods per week (excluding lunch) = 42%
- Part-time single program:
 - Ex: Student is recommended for ICT for math 5 periods per week, ICT for ELA 5 periods per week, and ICT for science 3 periods per week
 - 13 periods of SE/ 40 periods per week (excluding lunch)= 32%

Students can receive special education full-time and be either flexibly programmed or recommended for a single program

- Full-time flexibly programmed:
 - Ex: Student is recommended for ICT for math 5 periods per week, ELA 10 periods per week, science 3 periods per week, and indirect SETSS 2 periods per week for science and social studies
 - 20 periods of SE/ 30 periods per week (excluding lunch)= 66%
- Full-time single program:
 - Ex: Student is recommended for SC for all core subject areas and foreign language
 - 23 periods of SE/ 35 periods per week (excluding lunch)= 65%

Indirect SETSS

- *Indirect SETSS* means consultation provided by a special education teacher to regular education teachers to assist them in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a student with a disability [per the individualized education program (IEP)], who attends their classes. The IEP, and resulting program, must indicate the regular (or general) education class being taught by the teacher receiving the consultation. ([NYSED, Part 200](#))
- Only applies to SETSS. There is no indirect ICT or SC.
- The student recommended for indirect SETSS is supported by the knowledge shared and curriculum accommodated during or as a result of the consultation of the SE teacher. The student is not directly served by the SE teacher.
- When consulting, a special education teacher can support the GE teacher for up to 8 students (max group size is consistent with direct SETSS).

Examples of IEPs that capture program recommendations accurately

Use of “OTHER” as a Subject Area

RECOMMENDED SPECIAL EDUCATION PROGRAMS AND SERVICES					
SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS*	FREQUENCY HOW OFTEN PROVIDED	DURATION LENGTH OF SESSION	LOCATION WHERE SERVICE WILL BE PROVIDED	PROJECTED BEGINNING / SERVICE DATE(S)
SPECIAL EDUCATION PROGRAM: Integrated Co-Teaching Services Math	Direct Service Group service Language of Service: English	5 time(s) per week	Period	General Education Classroom	09/06/2012 05/14/2013
Integrated Co-Teaching Services ELA	Direct Service Group service Language of Service: English	5 time(s) per week	Period	General Education Classroom	09/06/2012 05/14/2013
Integrated Co-Teaching Services Social Studies	Direct Service Group service Language of Service: English	5 time(s) per week	Period	General Education Classroom	09/06/2012 05/14/2013

IEP teams must specify the subject area for which the recommended program will be received. If the subject is listed as “other”, you must specify one “other” subject. “Other” cannot be used as a means to imply “all subjects.” In instances where the service is in one of the CORE subject areas (Math, Science, English, or Social Studies), the student will not be eligible for 4-CORE credit unless the subject area is specified in the "subject" line (not as “Other”).

Frequency

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS*	FREQUENCY HOW OFTEN PROVIDED	
Adapted Physical Education		* 1 period per month * Other time(s) per week	
Integrated Co-Teaching Services Math	* Direct Service service * Group service Language of Service: * English	* 5 periods per week * Other time(s) per (Select)	
Integrated Co-Teaching Services ELA	* Direct Service service * Group service Language of Service: * English	* 5 time(s) per week	

In order for the IEP to be implemented for the student, it is imperative that the IEP team decide and document the frequency with which the service will be received. The frequency in this column will be used to [calculate the student's time receiving special education](#). There are rare circumstances when “Other” would be used to note frequency, such as a service being provided monthly (first service in example above). For services occurring daily or weekly, please note the frequency with a numerical value. If the IEP is finalized without specifying the frequency of periods numerically (second service in example above), there is no way to 1) know how often the school is to provide the service, 2) calculate the % of time the student receives special education and LRE movement, or 3) determine the appropriate resources to provide the school to support the student.

Multiple Start Dates and the Use of End Dates

There are occasions when an IEP team may choose to have multiple start dates for the recommended programs on a student’s IEP. For example, the team may recommend that part-time ICT begin immediately following the IEP meeting but then defer SETSS until the next school year (first example below). The IEP must be written to communicate whether services with multiple start dates are additive or replace one another. To do so, please **include end dates**. Below are two examples, one in which the different start dates are because one service is replacing the other and the second shows a second service being added in addition to the first.

This guidance applies to all but it is especially important when recommending different services for summer school and for students articulating to a new school so that any team working to implement the IEP understands the intended recommendation.

Multiple Start Dates: Additive

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS*	FREQUENCY HOW OFTEN PROVIDED	DURATION LENGTH OF SESSION	LOCATION WHERE SERVICE WILL BE PROVIDED	PROJECTED BEGINNING / SERVICE DATE(S)	SERVICE END DATE (OPTIONAL END DATE)
Integrated Co-Teaching Services ELA	* Direct Service [?] [?] * Group service Language of Service: * English	* 5 time(s) per week	Period	* General Education Classroom	* 05/31/2013	05/30/2014
Special Education Teacher Support Services (SETSS) Math	Provided by * Community School Provider * Direct Service [?] [?] * Group service Language of Service: * English	* 3 time(s) per week	Period	* General Education Classroom	* 09/09/2013	5/30/2014

Multiple Start Dates: Replace

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS*	FREQUENCY HOW OFTEN PROVIDED	DURATION LENGTH OF SESSION	LOCATION WHERE SERVICE WILL BE PROVIDED	PROJECTED BEGINNING / SERVICE DATE(S)	SERVICE END DATE (OPTIONAL END DATE)
Integrated Co-Teaching Services ELA	* Direct Service [?] [?] * Group service Language of Service: * English	* 5 time(s) per week	Period	* General Education Classroom	* 05/31/2013	06/28/2013
Special Education Teacher Support Services (SETSS) ELA	Provided by * Community School Provider * Direct Service [?] [?] * Group service Language of Service: * English	* 3 time(s) per week	Period	* General Education Classroom	* 09/09/2013	

Determining the Funding Category for Full Time Services

The chart below explains how the funding category is determined for full time service (≥60%). Please note that the first row is in gray because SETSS cannot be recommended for ≥50% according to the NY State. In the rows following, you will see which funding category will be provided when there are flexible program recommendations. Where the % of time is equal for ICT and SC, the funding category is ICT.

 = Majority*

Where percent of time ≥60%:

SETSS	ICT	SC	Funding Category
√			In accordance with NYS, SETSS cannot be recommended for ≥50%.
√	√		ICT
√	√		ICT
√		√	SC
√		√	SC
√	√	√	ICT, if ICT ≥ SC, else SC
√	√	√	ICT
√	√	√	SC
	√		ICT
	√	√	SC
	√	√	ICT
		√	SC

FAQs collected during the webinar and following

Interdisciplinary Courses

If a student is taking a course that is interdisciplinary, will the student be eligible for the “4C” exception?

If the two courses that are being covered in the interdisciplinary course are academic core classes (ELA, Math, SS, Science) then yes, the student is eligible. It is best practice to write the IEP recommendations for the academic course rather than the interdisciplinary course, as IEPs should be written to be implemented by any school. For example, if a student will be taking a Humanities course, which combines ELA and SS, with ICT support 10 periods per week, the IEP should be written for ICT for ELA for 6 periods and ICT for SS for 4 periods, or whatever balance the school recommends to equal the total periods of the interdisciplinary course.

4 Core Exception (57% ICT)

If a student is recommended for 10 periods per week of ELA, 5 periods per week of Math, and 5 periods per week of science in a 35 period/week, would this student be eligible for the four core exception?

Yes, a student recommended for 4 periods of academic core classes per day, in a 7 periods schedule excluding lunch, is eligible for the four core exception. The 4 academic core do not need to be one of each ELA, Math, SS, and Science. A student recommended for 10 periods per week of ELA, 5 periods per week of Math, and 5 periods per week of science in a 35 period/week, would be eligible for the four core exception.

Is the 57% 4/7 still only for High School? What about students that meet the 57% with unconventional programming?

The 4/7th or 4C exception is for any student receiving ICT for all 4 core academic areas (ELA, Math, Science, and Social Studies), at a school with an 8 period day including lunch [7 periods per day excluding lunch], if student receives ICT then this will be considered full-time (57%) for funding. Funding would be allocated within a 4/7ths credit allocation.

ATS Questions

After an IEP meeting and a change is made, do we have to input information into ATS?

No. The recommended service information will be uploaded directly from SESIS into the USPE screen in ATS. This will happen at least weekly.

How will the USPE screen pre-populate students? Does the SE only (on the top of the screen) flag students coded with a 9 code or does all special education students include SETSS students and part-time ICT students?

All students on your register with an active IEP will be listed in this screen. This includes students with related services only.

The REC line will be populated from SESIS.

The ACT line, for MS and HS, will be populated from STARS.

Will you include the student's OSIS number on this screen this year?

Yes

If the “Total Periods per Week” is not accurate or if my school has multiple bell schedules, how is that corrected?

Your CFN has the ability to edit your school's "Total Periods per Week" through a separate screen in ATS. If you believe there is an error or if your school has multiple bell schedules, please ask your CFN to review. Upon confirming, the CFN will update the information in ATS.

School Schedules

If a high school student's schedule has different periods(unconventional schedule) a day throughout the week such as: 3 periods of Special Education out of 7 total periods on Monday and 5 periods of Special Education out of 7 total periods on Tuesday. Does this high school student meet the full time requirement?

The calculation will be done on the total periods per week, both for receiving SE services and the total periods of instruction, not by day.

If "Extended Day" is incorporated in the school's day and all special education students participate, do the total instructional periods include the extended day periods or are they still excluded?

No. Total periods per week (the denominator) includes all periods in the traditional 6 hour 20 minute day, excluding lunch. Before-school, after-school, homeroom, and extended day periods are not included. Periods in excess of the 6 hour & 20 minute day are considered discretionary, and are not included in the "total period per week" calculation.