

State of New Mexico

Public Education Department

REVISED: 06.26.2023

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| **SPECIAL EDUCATION CASELOAD Waiver rEQUEST** |

**Gifted students**

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| **Instructions**: Please complete this form electronically from the superintendent, charter school administrator, or designee. Email to: [**Waivers.PED@state.nm.us**](mailto:Waivers.PED@state.nm.us) in word document format.  **Note**: The response boxes expand automatically as you add text. | | | | |
| District/Charter School: | | | | |
| Superintendent or Charter School Administrator: | | | | |
| Mailing Address: | | | State: NM | Zip Code: |
| Phone: | Fax: | Email: | | |

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| Secondary Contact: | | | | |
| Mailing Address: | | | State: NM | Zip Code: |
| Phone: | Fax: | Email: | | |

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| School Code: | | | Total Number of Waivers Requested: | | |
| Date of Submission  Please mark one | 40th day | 80th day | | 120th day | |
| Does local school board policy require board approval prior to this request? | | | | Yes | No |
| If yes, has board approval been obtained? | | | | Yes | No |
| Date of board approval: | | | |  | |

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| **Applicable Statute and/or State Rule** |
| **Applicable Rule 6.29.1.9 NMAC**  H. Student/staff caseloads in gifted and special education.  (1)     The student/staff caseload shall not exceed 35:1 for a special education teacher and 60:1 for a speech-language pathologist for special education services or speech-only services, in which properly licensed special education teachers or speech-language pathologists travel from class to class or school to school, providing services to students with disabilities whose individualized education programs (IEPs) require a minimal amount of special education.  (A minimal amount of special education services shall not exceed 10 per cent of the school day/week.)  (2)     The student/staff caseload shall not exceed 24:1 for a special education teacher and 35:1 for a speech-language pathologist for special education services or speech-only services which properly-licensed special education teachers or speech-language pathologists provide to students with disabilities whose IEPs require a moderate amount of special education. (A moderate amount of special education services shall be less than 50 per cent of the school day.)  (3)     The student/staff caseload shall not exceed 15:1 for special education services in which properly licensed special education teachers provide services to students with disabilities whose IEPs require an extensive amount of special education for a portion of the school day as appropriate to implement the plan.  (An extensive amount of special education services shall be provided 50 per cent or more of the school day.)  (4)     The student/staff caseload shall not exceed 8:1 for special education services in which a properly licensed professional provides services to students with disabilities whose IEPs require a maximum amount of special education.  (A maximum amount of special education services shall be provided in an amount approaching a full school day.)  (5)     The student/adult caseload shall not exceed 4:1 for center-based special education services in which one of the adults in the program is a properly licensed professional providing three- and four-year old children with the amount of special education needed to implement each child's IEP.  This includes a child who will turn three at any time during the school year, and who is determined to be eligible for Part B services.  The child may be enrolled in a Part B preschool program at the beginning of the school year if the parent so chooses, whether or not the child has previously been receiving Part C services.  (6)     The student/adult caseload shall not exceed 2:1 for center-based special education services in which three- and four-year old children have profound educational needs.  This includes children who will turn three at any time during the school year, and who are determined to be eligible. The child may be enrolled in a Part B preschool program at the beginning of the school year if the parent so chooses, whether or not the child has previously been receiving Part C services.  (7)     Adequate student/staff caseloads shall be provided to appropriately address needs identified in the IEPs.  Paraprofessionals and assistants who are appropriately trained and supervised in accordance with applicable department licensure rules or written department policy may be used to assist in the provision of special education and related services to students with disabilities under Part B of IDEA.  (8)     If the student/staff caseload ratio exceeds the standards provided above, a request for waiver shall be submitted to the department for review and approval by the secretary. |

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| **Case Load Waiver Form** |

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| **Instructions**. Please indicate below the number of students being served by each teacher for whom a waiver is being requested.  **Note:** Caseload waivers are granted by the secretary of education on a case-by-case basis. | | | | | | | | | | | |
| **PED Tracking Number Click here to enter text.** | | | | | **Number of Students in Each Level of Service** | | | | **Total # of Students** | **FTE Calculation** | **PED USE ONLY:**  **Approved: A**  **Denied: D** |
| Employee Name | Contract FTE | Position Code | Teacher is rated  highly qualified | | Minimum | Moderate | Extensive | Maximum |  |  |
| Yes | No | A | B | C | D |
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| Please complete ALL of the requested information and address each  circumstance for which a waiver is being requested. |

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| **Rationale/Justification for Request** |
| **Instructions:** Explain what you want to do and how a waiver will help you. Include how the waiver’s overall intent fits into school and district policy. Identify any supporting documentation. |
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| **Staffing and Compliance with NMAC 6.29.1.9(H)** |
| **Instructions:** Explain the steps that will be taken by the district to insure compliance with NMAC 6.29.1.9(H) for staffing. |
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| **Assurances of FAPE** |
| **Instructions**: Explain the steps the district will take to ensure that a free and appropriate education (FAPE) is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved. FAPE means special education and related services that meet all requirements of 34 CFR Sec. 300.17 and, pursuant to Sec. 300 17(b), meet all applicable department rules and standards, including—but not limited to—these rules (6.31.2 NMAC). |
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| **FOR PED INTERNAL USE ONLY** | | |
| Reviewed by: | | Date: |
| Number of Waivers Approved: | Number of Waivers Denied: | Total Number of Waivers Requested: |
| **PED Rationale for Approval:** | | |
| Concur with Staff Recommendations for Approval.  Arsenio Romero, Ph.D.  Secretary of Education | | Date: |
| **PED Rationale for Non-Approval:** | | |
| Concur with Staff Recommendations for Non-Approval.    Arsenio Romero, Ph.D.  Secretary of Education | | Date: |

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| **How to Determine Caseload Maximums** |

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| **Teachers’ Position Code** | **Description of Position** |
| 94 | Gifted Teacher |

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| **Level of Student** | **Student Category** | **STARS Category Level** | **Amount of Special Education Services** | **Teacher Category** | **FTE** |
| A or minimum level | Gifted Students | 1 | 10% or less of the school day | 94 | 1/35 or .029 |
| B or moderate level | Gifted Students | 2 | 11%–49% of the school day | 94 | 1/24 or .042 |
| C or extensive level | Gifted Students | 3 | 50% or more of the school day | 94 | 1/15 or .067 |
| D or maximum level | Gifted Students | 4 | Approaching 100% of the school day | 94 | 1/8 or .125 |

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