



Frequently Asked Questions: Special Education Teachers

This FAQ is an attempt to answer some of the most commonly asked questions related to rights and responsibilities of special education teachers in BUSD.

This is a work in progress. If you have ideas for information to add, please contact BFT.

IMPORTANT NOTE: If you are a temporary or probationary teacher we recommend contacting a Site Rep or the BFT office about any of the items below before talking directly with your principal.

Work Hours and Schedules

Q: What should I do if I cannot get a daily lunch and/or daily prep for whatever reason (lack of sub IAs, IA positions that are not current filled, etc.)?

A: You should use the form provided by BFT to document this problem, especially if this is an ongoing problem. Send the form to the principal in an email with a cc to BFT. Let your principal know that you look forward to solutions to any structural issues. If your principal cannot solve the problem after having some time to make changes, BFT will seek extra compensation on your behalf.

You can also talk with your principal about the need for all IAs, including long-term subs, to submit absences through Aesop, and to put the absence as far in advance as possible. The principal can communicate as needed with IAs.

Q: Can I build a case management period into my schedule?

A: BFT believes this is not the current practice in the design of special education teacher schedules. There can be discussion about this with BFT during the 2016-2017 school year. If all student services can be provided then how teachers use the available time should probably best be left up to individual teachers to determine. All special education teachers should have one period per day where they are NOT with students.

Q: What are my rights in terms of meeting the demands of case management, assessments, report writing, or the development of IEPs?

A: Article 11.6.1 of the BFT/BUSD contract says that special education teachers MAY be granted as many release days as necessary by the supervisor for case management, assessments and report writing. If a request is denied the District Director of Special Education must meet with BFT to resolve the denied request.

Teachers should send these requests to the Program Supervisor with a cc to the principal.

If release time cannot be utilized, special education teachers shall be provided with one in-service credit for movement on the salary schedule (or one day of sick leave credit if the teacher is on Column VII of the salary schedule) for every fifteen (15) hours of service beyond the duty day for case management, assessments, report writing or the development of IEPs. See the BFT FAQ on Inservice Credit for more information.

Documenting Services

Q: What documentation of services can be required? How detailed do these logs need to be?

A: Some kind of log or record of Specialized Academic Instruction that has been provided to the student can be required, and is good protection for the teacher. BUSD will be training teachers on how to log services in SEIS, and it is possible that teachers will be **required** to log services in SEIS starting in 2017-2018. The record of services needs to include the date and time, and a **very brief** description of what was provided, and whether a teacher or an IA provided the SAI.

Q: Who is legally able to provide Specialized Academic Instruction?

A: The special education teacher, the literacy coach, the Rtl teacher, the ELD teacher and/or an Instructional Assistant can provide this instruction.

Q: Do these logs have to be provided to parents upon the parent's request?

A: These logs are not part of the student record and should not be provided to parents. Only a principal or a Program Supervisor can request logs from a teacher. You should direct a parent requesting the logs to the principal.

Q: Am I required to complete reports of progress on IEP goals?

A: Yes, these are required. See the second question, above, for information about time in which to do these reports. **These reports can consist of a single statement** regarding the level of progress the student has made toward the annual goal. These reports need to be provided "concurrent with the issuance of report cards", so could be done at K-5 in the week between when the trimester ends and when parent conferences occur.

Caseloads

Q: What are the caseload limits for special education teachers?

A: The caseload limit for resource specialist teachers is set by the California Education Code and is 28. A resource specialist teacher that is itinerant has a caseload limit of 26.

Moderate/Severe teachers should have not more than 8 students with severe disabilities as defined by the California Education Code. The definition that has been used by past practice is: "Students labeled with severe disabilities are those who traditionally have been labeled as having severe to profound mental retardation. These people require ongoing, extensive support in more than one major life activity in order to participate in integrated community settings and enjoy the quality of life available to people with fewer or no disabilities. They frequently have additional disabilities, including movement difficulties, sensory losses, and behavior problems."

The current Education Code reads: "'Severely disabled' means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe intellectual disability, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800), as it read on January 1, 1980." (56030.5)

Teachers of CEC classes can have no more than 12 students.

Q: Can the Mild/Moderate teacher(s) and the Moderate/Severe teacher(s) share the overall caseload?

A: Yes, this can be done and is a best practice in the view of BFT. A student with moderate needs can be on either teacher's caseload.

Q: If I'm a Mild/Moderate teacher do I need to spend half of my time on RtI intervention services?

A: This should be discussed with your principal. If there is not enough time in the day to provide all case management and services required for students with IEPs, **to have a daily lunch and prep** AND do RtI services, the principal will need to establish priorities.

Q: If it is impossible to provide the minutes of service required by an IEP what should I do? If the IA supports that I believe are required by an IEP are not provided what should I do?

A: You should document this in writing to your principal and your Program Supervisor. **Be careful not to give up your daily duty-free lunch or prep in this situation.** It is very important to document this in writing once it is clear that this is the case. If you inform your principal and your Program Supervisor and nothing changes, your

responsibility is to continue to document those services that are provided. The larger issues are the responsibility of the principal and the Program Supervisor.

Working with Instructional Assistants

Q: Can I be required to create schedules for the IAs at my site?

A: BFT believes it is the current practice at most sites for the moderate/severe teacher, **working with the principal**, to create schedules for the paraprofessionals working with students on their caseloads. **BFT strongly advises mod/severe teacher to involve their principal in these schedules** by showing a draft to the principal and consulting with the principal whenever changes are made (**BEFORE the change is made**). In addition, we encourage special education teachers to request that the principal consult with you **before** THEY make any changes to IA schedules. We are happy to consult on this question with individual sites.

Q: What should I do if an IA is late to assignments or refuses to work with certain students, or if I have other concerns?

A: You should put these concerns in writing to your principal. The principal is the supervisor and evaluator of all IAs. Our contract says: "A teacher may provide input for the performance review of an Instructional Assistant or Substitute Teacher, but shall not serve as the primary reviewer. The District recognizes that teacher input in the performance review of Instructional Assistants is both desirable and valuable for maintaining/improving the quality of learning support activities in the classroom." (BFT/BUSD Article 15.9.7)

Teacher and Student Safety & Parents

Q: What can I do if I feel that a student threatens my safety or the safety of other students?

A: Please see the BFT FAQ on Teacher & Student Safety on the BFT website. This FAQ has detailed information and advice.

Q: What are a parent's rights to be on campus and to observe a child or teacher, or to interact with their child?

A: In order for a parent to visit at a school site they must have an appointment. Parents cannot disrupt instruction. If their presence is disrupting instruction please **immediately** inform your principal via email and contact BFT if the principal does not take appropriate steps. Parents cannot request an individual conference with the general or special education teacher as part of a visit. If a conference is desired a separate appointment should be set during non-instructional time. All parents must check in with the office upon arrival. The visits need to be of a reasonable **frequency** and **length** of time (no more than 20 minutes at a K-5 classroom, for example).

If there is any situation where a family member is accompanying a child to class most days or every day please contact BFT **immediately**.

Q: What can my principal do if a parent is hostile or aggressive?

A: It is important to immediately create a written summary of any incident in which a parent is hostile, abusive or aggressive. This summary should be provided to the Principal, to the Site Rep and to BFT. The Principal should be asked to contact Dr. Susan Craig, Director of Student Services if that has not already occurred. Depending on the circumstances a seven-day “stay away” order can be implemented. For more information please see the BFT FAQ on Teacher & Student Safety on the BFT website.

Q: What should I do if a parent has filed a complaint against me (and possibly others)?

A: You have many rights in this situation. The complaint **cannot** go into your personnel file and you **cannot** be required to meet with the parent about the complaint. It is the principal’s job to do everything possible to resolve the complaint. Please see the BFT FAQ on Parent Complaints on the BFT website for more information and advice.

Q: What is the limit on how often I need to communicate with a parent?

A: This should be discussed as part of the IEP process and the limits of staff should be kept in mind in coming to an acceptable schedule. If the parent and the rest of the IEP team cannot come to an agreement this question should be referred to the Program Supervisor and the Principal, and BFT should be contacted.

Working with Substitutes/Being Absent

Q: What should I do if I am regularly being asked to cover general education classes when there are unfilled sub assignments?

A: You should politely decline to do any time that is best for you and your students, and definitely when this service is a hardship. You should definitely decline when this will mean not receiving a duty-free lunch or a daily prep.

Q: What should I do if the sub assigned to MY absence is reassigned at the last minute to a general education classroom?

A: You should discuss the negative impacts of this action with your principal, focusing on the negative impacts for students. If the pattern becomes routine you should contact your Site Rep and ask them to contact BFT.

Q: Do I need to call for a sub when I will be absent?

A: Yes, even if a sub is not needed you need to record your absence in Aesop. You can indicate “no sub required” if that is the case.

If you believe that having a sub is the best thing for your students, you should request a sub when you record the absence in Aesop. If you are told that you should NOT request an actual sub, please contact BFT so that we can advise.

Communication

Q: What is a reasonable expectation with regard to responses to my emails to principals or Program Supervisors?

A: You should receive a reply within two business days. If that is not occurring, please contact BFT.

Q: Are there BFT Union Site Reps specifically for Special Education teachers?

A: Yes, as a pilot project for 2016-2017 BFT will be creating two Site Rep positions specifically for Special Education teachers in K-8, one for elementary and one for middle schools (BHS already has a specific Special Education Site Rep position). Nomination forms for these positions will come out in early soon and we will communicate with all K-8 Special Education teachers once the positions are filled.

Updated 9/19/16