

**PROCEDURES FOR REQUESTING
APPROVAL OF ALTERNATIVE SPECIAL
EDUCATION STAFFING PLANS**

**Effective July 7, 2009
Revised December 11, 2015**

**Virginia Department of Education
Division of Special Education and Student Services**

A. Background

1. Each school division and private special education school must comply with the special education staffing requirements set forth in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* and Appendix A of those regulations (Section 8 VAC 20-81-40), unless an alternative special education staffing plan has been approved by the Virginia Department of Education in accordance with these procedures.
2. Such a plan must ensure that the requirements of the state and federal laws governing the education of children with disabilities are followed. Section 8 VAC 20-81-40 D provides for the use of an alternative special education staffing plan. School divisions and private special education schools may offer for consideration of approval, an alternative staffing plan in accordance with these procedures. The Virginia Department of Education may grant approval for alternative staffing levels upon request from local school divisions and private special education schools seeking to implement innovative programs that are not consistent with these staffing levels.
3. The standard for review for determining whether an alternative staffing plan should be approved is the appropriateness of the plan for each child with a disability affected by the proposal. Since each individual student has unique needs, an alternative to the special education staffing requirements set forth in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* may be necessary. An alternative staffing plan can be for the benefit of one child or a group of children. Since the individual needs of students must be considered, proposed alternative staffing plans that affect more than one student should be carefully designed to ensure that the plan is appropriate for each student.
4. Information on alternative staffing plan requests and approvals must be made available to teachers and parents. School divisions and private schools should involve teachers, other service providers, and parents in developing alternative staffing plan requests. Students' individualized education program (IEP) teams must be in agreement with recommended program or placement changes as a result of an alternative staffing plan.
5. The summer months are the most practical time for school divisions and private schools to develop alternative staffing plans unless the plan is for students new to the school, newly identified as a student with a disability, or for students whose needs have changed during the school year.

B. Requesting Approval of an Alternative Staffing Plan

1. Requests for approval of alternative special education staffing plans shall be submitted to and approved by the Virginia Department of Education prior to implementation. If there is a mid-year development or revision of an IEP that would require approval of an alternative staffing plan, the IEP may be implemented with consent of the parent or parents, pending review and approval by the Virginia Department of Education.
2. Local school division superintendents or private special education school directors shall submit requests for approval of alternative staffing plans to the Virginia Department of Education's Director of Special Education Instructional Services on the forms provided in these procedures.

The request must include:

- a. the anticipated date of implementation of the proposed plan;
 - b. the reason for requesting an alternative staffing plan, including a description of the current staffing pattern and reason for changing;
 - c. a description of the proposed alternative staffing plan, including a description of the benefits to the student(s), how their IEPs will be implemented, and impact on the general education and/or special education classroom/setting;
 - d. a summary listing of the students involved in the proposal by disability category, level of services¹ and age (do not provide students' names);
 - e. information on the teachers' endorsements and experience;
 - f. the need for, availability and role of, one or more paraprofessional(s) in the plan;
 - g. description of how teachers, other service providers, and parents were involved, and how the information in the Alternative Staffing Plan is made available;
 - h. assurance statements regarding compliance with federal and state laws and reduction of staff positions.
3. No plan which would result in the violation of other state or federal laws and regulations governing the education of students with disabilities will be approved.

¹ Time receiving related services does not figure into the calculation of time receiving special education for the purposes of determining the level of services a student is receiving.

C. Timelines

1. Requests for approval shall be processed as follows:
 - a. Upon receipt of the Alternative Special Education Staffing Plan Approval Request Form, the Virginia Department of Education staff will review the request.
 - b. No later than 10 business days after receiving the request, the Virginia Department of Education staff will notify the local school division superintendent or contact person, or the private special education school director of one of the following:
 - (1) the alternative staffing plan is approved;
 - (2) the alternative staffing plan is approved with modifications;
 - (3) the alternative staffing plan is denied; or
 - (4) additional information is needed before the Virginia Department of Education can make a determination.
 - c. When the Virginia Department of Education staff has requested additional information, the school division or private special education school will provide the requested information within 5 business days after receiving the request for additional information from the Department. No later than 5 business days after receiving the additional information, the Department will notify the local school division superintendent or contact person, or the private special education school director of the outcome of the Department's review.
 - d. If the timelines set forth above need to be extended, this should be documented.

D. Continuation of an Alternative Staffing Plan

Requests for approval to continue an alternative special education staffing plan approved in the previous school year must be communicated to the Director, Office of Special Education Instructional Services.

E. Change of Conditions During the Period of the Plan

Within 10 business days, the local school division or private special education school must notify the Virginia Department of Education staff if there is a change in the student population, teacher assignment, or program. Upon such notification, the Virginia Department of Education staff may request a resubmission of the Alternative Special Education Staffing Plan Approval Request Form or portions of it.

F. Due Process Rights

Approval of an alternative special education staffing plan by the Virginia Department of Education does not preclude a parent or local school division from disputing and ultimately prevailing in that dispute, the identification, evaluation, placement, and services or other provisions of a free appropriate public education for a child through the due process and/or complaint procedures set forth in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.

**VIRGINIA DEPARTMENT OF EDUCATION
ALTERNATIVE SPECIAL EDUCATION STAFFING PLAN APPROVAL REQUEST FORM**

Public School Division or Private Special Education School: _____

Contact Person: _____ Position/Title: _____

Address: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

Date of anticipated implementation of the proposed alternative staffing plan:

Reason for requesting the proposed alternative staffing plan (describe the current staffing pattern and the reason for changing):

Describe the proposed alternative staffing plan, including the benefit this plan will have for the student(s), a description of how the IEP(s) will be implemented, and the impact on the general and/or special education classroom/setting:

Students Affected By The Proposed Alternative Staffing Plan ²

DISABILITY CATEGORY	NUMBER OF STUDENTS RECEIVING LEVEL I SERVICES	NUMBER OF STUDENTS RECEIVING LEVEL II SERVICES	AGE RANGE OF STUDENTS
Autism			
Deaf-Blind			
Developmental Delay			
Emotional Disability			
Hearing Impairment or Deafness			
Intellectual Disability (formerly, Mental Retardation)			
Multiple Disabilities			
Orthopedic Impairment			
Other Health Impairment			
Severe Disabilities			
Specific Learning Disability			
Speech-Language Impairment			
Traumatic Brain Injury			
Visual Impairment or Blindness			
Child with a disability, No Category (attach description)			
TOTAL NUMBER OF STUDENTS			

² Level I services means the provision of services for less than 50%, level II means provision of services for 50% or more, of the instructional school day (excluding intermission for meals). The time that a child receives special education services is calculated on the basis of the services described in the IEP, rather than the location of services. Time receiving related services does not figure into the calculation of time receiving special education for the purposes of determining the level of services a student is receiving. **Do not provide students' names.**

Teachers Affected By The Proposed Alternative Staffing Plan *

TEACHER NAME	ENDORSE- MENT	EXPERIENCE (Describe relevant experience)
TOTAL NUMBER OF TEACHERS		

* If specific teachers have not been identified, indicate "Not Identified" under Teacher Name, and under Endorsement and Experience columns describe the desired endorsement(s) and experience for this plan.

Will a paraprofessional(s) be available? NO _____ YES _____

If Yes, for _____% of instructional day. Describe the role of the paraprofessional(s):

Describe how teachers, other service providers, and parents were involved in the development of the alternative staffing plan:

Describe how the alternative staffing plan request(s) and approval are made available to teachers and parents:

ASSURANCE STATEMENTS

1. The proposed alternative staffing plan does not result in any violation of federal or Virginia laws and regulations governing the education of students with disabilities for any child in the affected program, and a continuum of alternative placements is available to each student with disabilities.
2. Information on alternative staffing plan requests and approvals is available to teachers and parents.

Printed Name of Division Superintendent
or Director of Private Special Education School

Signature of Division Superintendent
or Director of Private Special Education School

Date

Submit Completed Form To:
Director of Special Education Instructional Services
Virginia Department of Education
P. O. Box 2120
Richmond, Virginia 23218-2120
EMAIL: Pat.Abrams@doe.virginia.gov
FAX (804) 371-8796