

## Frequently Asked Questions--Workload for Special Educators

In consultation with ISBE's Special Education department, the following is a summary of Frequently Asked Questions regarding Workload/Caseload and Missed Sessions for speech-language pathologists in the state of Illinois (as of 11/2019).

### Workload Analysis and SLP Caseload Maximum

**Question #1:** According to Illinois Administrative Rules and Illinois Administrative Code, is it accurate to state that **ALL** Illinois public school districts **must** ("shall") utilize a workload analysis plan to determine the workload of its special educators and school support personnel?

**Answer #1:** **Yes**

**Question #2:** Is it accurate to state that speech-language pathologists are considered either "special educators" or "school support personnel", depending on the needs of the student and the subsequent role the SLP will play in providing FAPE to the student?

**Answer #2:** **Yes.**

**Question #3:** Is it accurate, therefore, to state that SLPs should be included in the group of "special educators" or "school support personnel" working together to develop and adopt workload analysis plans as indicated in the language of the Illinois Administrative Rules?

**Answer #3:** **Yes.**

**Question #4:** Is a district considered out of compliance of the law if it is not utilizing a workload analysis plan to determine workloads for special educators and school support personnel?

**Answer #4:** **Workload plans mostly took effect in the 2009-10 school year, so a district that does not have such a plan would be violating 23 Illinois Administrative Code 226.735.**

**Question #5:** Is using the process of determining Full Time Equivalents (FTE) the same thing as workload analysis?

**Answer #5:** **23 Illinois Administrative Code 226.735 states that the analysis of activities shall include (but is not limited to): individualized instruction, consultative services and other collaboration among staff, attendance at IEP meetings and other staff conferences, and paperwork and reporting.**

**Question #6:** Is it accurate to state that the district must first utilize its workload analysis plan to determine the amount of work an SLP can manage, given student needs (for both direct therapy services as well as for all indirect work required to provide appropriate services) and availability for services (the amount and timing/scheduling of services weekly), and **then** make sure that the number of students representing the manageable workload is not greater than 60?

**Answer #6:** **Yes. That is the intent of the regulation.**

**#6a:** Is it accurate to say, based on this law, that an SLP might have, for example, a caseload of 35 students who exhibit moderate to profound deficits (representing a "heavier" workload), or a caseload of 55 students who exhibit mild to moderate deficits (representing a "lighter" workload)? That the number of students served by an SLP depends primarily upon the work necessary to provide FAPE?

**#6a:** **In short, yes.**

**#6b:** Would it also be accurate to state that, based on this part of the law, districts should not require ALL SLPs to work with 60 students, without regard for the amount of work required to provide FAPE to each student?

**#6b:** **Yes. The regulation requires that the speech-language needs of each child be taken into consideration.**

# Frequently Asked Questions--Missed S/L Minutes

## Making Up Missed Therapy Minutes

**Question #1:** Is there an ISBE special education policy with regard to missed therapy minutes?

**Answer #1:** [There is no written ISBE policy regarding missed therapy minutes.](#)

**Question #2:** Is it accurate to state that whether or not missed therapy minutes must be made up is determined on an individual, case-by-case basis by the IEP team, which includes the parents/guardians of the individual student, to maintain the intent of IDEA and individualized education plans (as indicated in the guidance letters from the Office of Special Education Programs)?

**Answer #2:** [Yes.](#)

Attached are two letters from the Office of Special Education Programs (OSEP) that address this topic (see attachments below). These letters provide guidance for the determination of compensatory minutes to maintain the intent of IDEA and Individualized Education Plans.

The OSEP Letter to Clark in 2007 describes the situation when sessions are missed due to student or therapist absence, whether due to illness, or cancellation for a class or school activity. It emphasizes the need for the IEP team, including parents, to determine whether or not there was a denial of FAPE, whether or not there was a significant impact on the student's progress and/or regression noted. According to this letter, these decisions must be determined on a case-by-case basis. [OSEP Letter March 2007.pdf](#)

The OSEP Letter to Kane in 2018 describes the situation when sessions are missed due to the student's required participation in assessments; the guidance provided states that districts and therapists are not required to make up these missed minutes. [OSEP Letter to Kane Missed Min 2018.pdf](#)

**Question #3:** Does ISBE support the use of the guidance from OSEP provided in the content of these letters?

**Answer #3:** [Yes.](#)

More information can be found on the OSEP website using this link--<https://www2.ed.gov/about/offices/list/osers/osep/index.html>