

SPECIAL EDUCATION SERVICES AND SERVICE TIME

Students with disabilities (SWD) are first and foremost general education students.

SPECIAL EDUCATION AND RELATED SERVICES

Special education is a set of services; it is **not a place** (location). Special education is not defined by where it occurs, but rather the specially designed instruction (SDI) provided to meet the unique needs of a student with a disability within the least restrictive environment (LRE). SDI refers to **adapting as appropriate, the content** (what is presented), **methodology**, (how it's developed) or **delivery** (who provides it, where, and when it is provided) of grade-level core curriculum instruction (34 CFR § 300.39(a)(3); USBE SER I.E.47.).

Related services and supports refer to transportation and such developmental, corrective, and other supportive services that are required to assist a student with a disability to benefit from special education (e.g., speech language pathology and audiology services, counseling, occupational therapy, physical therapy, etc.) (34 CFR § 300.34(a); USBE SER I.E.42.). Related services and supports are defined in the student's individualized education program (IEP) and align with IEP goals and desired outcomes. They are embedded throughout the student's learning experiences and across placements as outlined in the IEP. They are not intended to be isolated services.

*"Special education isn't separated from the academic content that students are supposed to learn for their grade. It's meant to support the learning of that academic content. That's why IDEA emphasizes that special education needs to ensure that students with disabilities have **access to the general curriculum** that all students are expected to learn. And that's why the [Dear Colleague Letter](#) on [free appropriate public education] FAPE stresses the importance of aligning a student's goals in the IEP to the academic content for that student's enrolled grade" (Center for Parent Information & Resources, 2017).*

PLACEMENT

Each Local Education Agency (LEA) must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services. The Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education Special Education Rules (USBE SER) define a continuum of alternative placements for instruction as:

- Regular classes,
- Special classes,
- Special schools,
- Home instruction, and
- Instruction in hospitals and institutions.

Teams must consider and make plans for the provision of supplementary services and supports (e.g., resource room or itinerant instruction) to be provided in conjunction with any placement

decisions (34 CFR § 300.115; USBE SER III.P.). Teams must choose the placement where the student will be educated with similar-aged students who are nondisabled to the maximum extent appropriate (34 CFR § 300.114; USBE SER III.O.). The percentage of time per day a student with a disability has access to the general curriculum in the general education classroom is reported in an LEA's student information system (SIS) (e.g., ASPIRE, Power School, etc.) using a regular percent code:

1. The student spends 80% or more of the day in the regular classroom.
2. The student spends 40–79% or more of the day in the regular classroom.
3. The student spends less than 40% of the day in the regular classroom.

IEP teams use these codes to ensure students receive a free appropriate public education (FAPE), not to influence the amount of funding received by the LEA. Federal and state regulations require that all states and LEAs implement placement-neutral funding practices (34 CFR § 300.114(b)(1)(ii); USBE SER III.O.3.).

SERVICE TIME

Service time on an IEP is not equal to the number of minutes in a class period. Service time on an IEP is also not equal to the amount of time a special educator and/or related services provider is in the classroom. Service time should reflect the amount of SDI and/or related services a student requires to make meaningful progress in light of the student's circumstances (*Andrew F. v. Douglas County School District, 2017*).

Service time includes the total number of minutes of special education and related service(s) a student receives along the continuum of alternative placements. There is no relationship between the amount of services a student receives and the student's placement. Service time is reported in an LEA's SIS using a time code:

- A. The student receives 1–59 minutes of special education and related services per day.
- B. The student receives 60–179 minutes of special education and related services per day.
- C. The student receives 180 minutes or more of special education and related services per day.

DOCUMENTING REGULAR PERCENT CODES AND TIME CODES

Students may receive any amount of special education and related services in any placement. There is no match or alignment of the regular percent codes and time codes. Even students in a special class placement may not have service time on the IEP that reflect every minute of the school day. Some examples of how regular percent and service time are to be documented are listed below.

- During one of a student's classes scheduled for 50 minutes per day, the student participates in small group SDI for 30 minutes. The service time on the IEP should reflect the amount of time the student receives SDI and/or related services aligned to the student's goal(s), which is 30 minutes per day. **Thus, the regular percent code = 1, and the time code = A.**
- A student enrolled in a general education class for the full day requires full day individualized nursing as a related service. The service time on the IEP should reflect the amount of time the student receives SDI and/or related services aligned to the student's goal(s), which is 390 minutes per day. **Thus, the regular percent code = 1, and the time code = C.**

- A student with significant behavioral needs, whose LRE has been determined to be a special class for the full day, receives 120 minutes of SDI from a behavior specialist daily. The service time on the IEP should reflect the amount of time the student receives SDI and/or related services aligned to the student’s goal(s), which is 120 minutes per day. **Thus, the regular percent code = 3, and the time code = B.**

ACCOMMODATIONS AND ASSISTIVE TECHNOLOGY

Accommodations reduce or eliminate the effects of a disability without decreasing the learning expectations. “Accommodations may alter how a student learns a particular concept or skill, which may include changing the environment, the curriculum format or equipment that a student uses in learning and assessment” (McLeskey, Maheady, Billingsley, Brownell, & Lewis, 2019).

Accommodations are not considered SDI or a related service and are not reflected in service minutes.

Assistive technology (AT) device refers to any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of a student with a disability (34 CFR § 300.5; USBE SER I.E.4.). An AT service is a service that directly assists a student with a disability in the selection, acquisition, or use of an AT device (34 CFR § 300.6; USBE SER I.E.5.). The use of an AT device is not SDI. However, direct instruction on how to use the AT device may be considered SDI.

PUBLIC EDUCATION FUNDING

The process to fund public education in Utah includes a balance of federal, state, and local funds. State funds are intended to support the Minimum School Program (MSP), with federal and local funds added to that amount by each LEA to meet the needs of enrolled students. The Basic School Program is one of three parts of the MSP and is the state’s foundation program for funding public schools. Weighted Pupil Units (WPU) are the basic unit of measurement used to calculate a base funding amount for an LEA plus additional funding for certain student groups. For more information about Utah’s [public education funding process](#), visit the Compendium of Budget Information (COBI) website.

SPECIAL EDUCATION FUNDING

WPU are used to distribute funds to five programs that serve special education students. The two largest of these programs are Special Education - Add-on and Special Education - Self-contained.

LEAs are granted two WPU for each SWD. Each WPU is worth the same amount of money, so the LEA receives the same amount of funding for each SWD, no matter the level of severity of disability or services needed. The funding sources are different depending on the student’s placement.

Students who are reported to the Utah eTranscript and Record Exchange (UTREx) system as receiving 179 minutes or less of service per day (TIME=A, TIME=B) are categorized as “Resource.” LEAs are granted funding for one WPU from the Basic School Program and one WPU from Special Education - Add-on Program for these students.

Students who are reported to the UTREx system as receiving 180 minutes or more of service per day (TIME=C) are categorized as “Self-Contained.” LEAs are granted funding for one WPU from the

Special Education - Add-on Program and one from the Special Education - Self-contained Program for these students.

The LEA determines how the additional WPU is used (UCA 53F-2-306).

NOTE: The only code used to calculate special education WPU funding is the time code (the number of service minutes a student receives per day).



Time Codes A and B

- Basic School Program WPU = \$
- Special Education Add-on WPU = \$

$$\text{\$} + \text{\$} = \text{\$\$}$$



Time Code C

- Special Education Add-on WPU = \$
- Special Education Self-contained WPU = \$

$$\text{\$} + \text{\$} = \text{\$\$}$$

REFERENCES

Center for Parent Information and Resources. (2017, June 1). *Key definitions in part b of IDEA | Defining and understanding special education*. Retrieved from <https://www.parentcenterhub.org/fapebrief-ref-list-sped/>

Endrew F. v. Douglas County School District RE-1, 580 U.S. ____ (2017).

McLeskey, J., Maheady, L., Billingsley, B., Brownell, M. T., & Lewis, J.T. (Eds.). (2019). *High Leverage Practices for Inclusive Classrooms*. New York, NY: Routledge.