

Claiming ODE Funding for Secondary Transition Students 18-21

PURPOSE: The purpose of this document is to assist Special Education Administrators and District Business managers in securing the most appropriate method for accessing state school funding for students with disabilities who are of transition-age and served in various placements and environments.

Special education placements and services for students in the secondary transition age group vary widely and often involve multiple agencies. Once the Individualized Education Program (IEP) team determines appropriate services based on the unique needs of the student, the school district must then determine how to claim the student—as a full time student or a part time student. ***This document is intended to inform the determination of how to claim funding for these students. It is not to be used or considered when making individualized decisions about the provision of FAPE or the determination of placement for individual students.***

INSTRUCTIONAL HOURS: As per OAR 581-022-1620, school districts are required to provide a minimum number of hours of instructional programs to students. The rule establishes that high school schedules must show a minimum of 990 hours of available instruction in grades 9-12. The number of hours students will participate in high school classes will vary; students are not required to enroll in 990 hours of instruction. The district may include hours for staff development, pupil transportation, or emergency school closures due to weather/facility failures as part of the 990 hours. Only 960 hours are required for 12th graders to allow for early release for graduation. School Districts must:

- Provide a minimum of 990 hours of instructional programs in grades 9-12.
- Determine the number of instructional hours the student receives when calculating ADM (full time *or* half time)

AVERAGE DAILY MEMBERSHIP (ADM): ADM is the measure that indicates the average number of students in membership on any given day during the reporting period. For students in full-time programs, the ADM of the student is calculated as their FTE times the share of the full school year that they were enrolled. Students who participate more than half the day are given an FTE of 1.0. Students who participate for a half-day or less are given an FTE of 0.5.

For students in part-time programs, the ADM of the student is based on the number of instructional hours the student receives and may vary based on the instructional model. The districts are not required to provide or fund an educational program that exceeds 1.0 FTE. The ADM accounting manual also includes the following cautionary note:

Note: OAR 581-022-1620 relates to required instructional time for the school calendar. Do not confuse the method of counting hours contained in that rule with the method of determining FTE for full time programs contained in OAR 581-023-0006. OAR 581-022-1620 has no bearing on student accounting.

Table 1 provides examples of various possible transition placements and the FTE for ADM. This list is not inclusive. When reading this table keep in mind:

- FTE means “full time equivalent”; 1.0 FTE indicates full-time and 0.5 FTE is considered part-time.
- *Supported/integrated employment* that is paid for or provided by OVRS or the Brokerages is NOT included in the determination of FTE.

- The hours that a student is in a *work study program* are supervised by the district are included in the student's program hours. (Student Accounting Manual 2009-2010 School Year)
- Each day a student who attends three hours of class in school and has four hours of supervised *work-study* earns an FTE of 1.0. (Student Accounting Manual 2009-2010 School Year)
- A student who takes three hours of classes in school and leaves for a job on their own earns an FTE of 0.5. (Student Accounting Manual 2009-2010 School Year)
- If a student is released for work during school hours and the district assumes no responsibility for the time involved, that time may not be counted as participation in the full-day program for purposes of determining the student's FTE. - OAR 581-023-0006(5)(B)(Student Accounting Manual 2009-2010 School Year)
- For students receiving *individual instruction (tutorial)* provided by licensed district staff, ADM is computed by dividing the total number of hours of *home instruction* given (not to exceed five hours per week for a single student) by 175 hours for the Annual ADM report. OAR 581-023-006(6)(b) & (7)(d)
- If the district has established a *separate transition program* then ADM is determined by both the FTE for each student and the size of the group in which the instruction is delivered.
 - For large group instruction (class of 16 or more), six hours of large group instruction is the equivalent of one day for ADM purposes
 - For intermediate group instruction (6-15), four and one-half hours of intermediate group instruction is the equivalent of one day.
 - For small group instruction (class of 2-5), three hours of small group instruction is the equivalent of one day. OAR 581-023-006(7)(a)(b)

Table 1. Funding Methods for Various, Possible Transition-Age Placements

(The following chart should not be used in lieu of an IEP team determination of FAPE for every secondary transition student between the ages of 18 and 21)

Program	Groupings	Daily Instructional	FTE for ADM
All academic courses at the high school – gen ed & special ed	Classroom setting	7.0 hrs.	1.0
Life Skills program for students below the age of 19	Classroom setting	7.0 hrs.	1.0
Special ed courses	Classroom setting	3.0 hrs.	0.5
3 hrs gen/special ed & 4 hrs work study	Classroom & work settings	7.0 hrs.	1.0
3 hrs gen/special ed & 4 hrs supported employment (OVRs) or brokerage)*	Classroom & work settings	3.0 hrs.	0.5
4 hrs gen/special ed & released for 4 hrs of work during school hours	Classroom & work settings	4.0 hrs.	1.0
District secondary transition program	Large group	6.0 hrs.	1.0
District transition program	Intermediate group	4.5 hrs.	1.0
District transition program	Small group	3.0 hrs.	1.0
Home instruction	One to one instruction	1.0 hrs.	1.0

CITATIONS

RELEVANT OARs

OAR 581-022-1620 Required Instructional Time

- (1) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:
 - (a) Grades 9-12 -- 990 hours;
 - (b) Grades 4-8 -- 900 hours;
 - (c) Grades 1-3 -- 810 hours;
 - (d) Grade K -- 405 hours;
 - (e) A district unable to meet minimums for a particular grade level, e.g., when Grade 9 is part of a 7-9 configuration, should utilize the request for a waiver process set forth in OAR 581-022-1920.
- (2) There shall be no fewer than 265 consecutive calendar days between the first and last instructional day of each school year at each grade level.
- (3) No student shall be required to exceed the following number of instructional hours per day:
 - (a) Grades 9-12 -- 7 hours;
 - (b) Grades 4-8 -- 6.5 hours;
 - (c) Grades K-3 -- 6 hours.
- (4) School assemblies, student orientations, testing, parent-teacher conferences, and other instructionally related activities involving students directly may be included in the required instructional hours. However, transportation to and from school, passing times between classes, noninstructional recess and lunch periods shall not be included. Passing time is defined as those minutes between segments of the program that are apparent in the school's daily schedule.
- (5) When approved by a local school board, annual instructional hour requirements stated in section (1) of this rule may be reduced as follows:
 - (a) Up to a total of 30 hours to accommodate staff development activities, pupil transportation schedules, or other local program scheduling arrangements;
 - (b) Up to a total of 14 hours of emergency school closures due to adverse weather conditions and facility failures.
- (6) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided for in subsection (5)(a) of this rule.
- (7) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instruction).
- (8) The instructional time requirement for twelfth-grade students may be reduced by action of a local school board for an amount of time not to exceed 30 hours of instructional time.

Stat. Auth.: ORS 326.011 & 326.051

Stats. Implemented: ORS 326.051

Hist.: EB 18-1996, f. & cert. ef. 11-1-96; ODE 25-2008, f. & cert. ef. 9-26-08

OAR 581-023-0006(5-7): ADM

- (5) Membership and attendance accounting in instructional units scheduled to operate a full school day shall be recorded as follows:
 - (a) A full-time equivalency (FTE) for each student on the active roll shall be determined. Students participating in more than one-half of the full-day program shall be given an FTE of 1.0. Students participating in one-half or less of the full-day program shall be given an FTE of .5. The FTE computation of students placed in community college programs by the local school district shall include time spent in the community college program:

(A) Kindergarten students shall be assigned an FTE of 1.0. The Department shall adjust the total days membership of kindergarten students reflecting the permissible percentage as stated in statute;

(B) Students participating in district supervised work-study programs may be credited as 1.0 FTE. If a student is released for work during school hours and the district assumes no supervisory responsibility for the time involved, that time shall not be counted as participation in the full-day program when determining the student's FTE.

(b) Membership of each student for the period shall be computed as follows: student FTE times days present plus student FTE times days absent equals total days membership of the student. The day upon which a student is marked as a withdrawal shall not be counted as a day of membership. A student not scheduled to attend daily shall be marked present or absent only on the days the student is scheduled to attend;

(c) Total days membership of the instructional unit shall be the total of days membership of all students on the active roll of the instructional unit as computed in subsection (b) of this section. The computation of total days membership of the instructional unit shall yield subtotals indicating grade placement and resident/nonresident status of student membership;

(d) The Department shall compute the ADM and ADA of resident students, nonresident students, and attending students for each instructional unit reporting and derive totals of such data for each local school district in the state, subject to the following procedures:

(A) ADM is the total days membership of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADM of groups of instructional units having varying lengths of terms shall be the sum of the ADMs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADM will not be higher or lower than if the local board had not adopted such a schedule;

(B) ADA is the total days attendance of an instructional unit during a specific reporting period divided by the number of days the instructional unit was in session during that reporting period. The ADA of groups of instructional units having varying lengths of terms shall be the sum of the ADAs obtained for the individual instructional units. If a district school board adopts a class schedule that operates throughout the year under the provisions of ORS 336.012 for all or any instructional units in the district, the computation shall be made so that the resulting ADA will not be higher or lower than if the local board had not adopted such a schedule.

(6) Students enrolled in programs operating less than the full school day and nonpublic school students attending public schools part time shall be accounted for as follows:

(a) The ADM of students enrolled in schools under provisions of ORS 336.135 and students enrolled in nonpublic schools or taught by private teacher or parent under ORS 339.035 shall be computed by multiplying total hours of instruction given all students during the reporting period by .167 and dividing the product by 73 for the July 1 to December 31 cumulative report and by 175 for the June 30 annual report;

(b) The ADM of students receiving tutorial instruction provided by licensed district staff shall be computed by dividing total number of hours of tutorial instruction given (not to exceed 5 hours per week for a single student) by 73 for the July 1 to December 31 cumulative report and by 175 for the June 30 annual report;

(c) The computation of ADM for each less than full-time program listed shall yield subtotals for resident and nonresident students;

(d) The ADM of students enrolled in less than full-time programs shall be reported to the Department for the period ending December 31 and for the year ending June 30.

(e) No more than five day's membership may be claimed for any student enrolled in any combination of programs during a one-week period.

(f) Kindergarten ADM will be adjusted by the Department to reflect the permissible percentage as stated in statute.

(7) A student enrolled in a public school district and receiving instruction in the district's comprehensive planned K-12 curriculum consistent with OAR 581-022-1210 and who is individually placed by the school district in an alternative education program under ORS 336.635 shall be accounted for as follows:

(a) The ADM of students enrolled in alternative programs scheduled to operate a full school day may be computed either on the basis of membership (section (5) of this rule) or on the basis of actual attendance (section (7)(b) of this rule);

(b) Equivalent ADM of students enrolled in alternative programs scheduled to operate less than full time shall be computed as follows:

(A) Equivalent ADM of students enrolled in large group instruction shall be computed by multiplying total hours of instruction given all students during the reporting period by a factor of .167 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(B) Equivalent ADM of students enrolled in intermediate group instruction shall be computed by multiplying the total hours of instruction given all students during the reporting period by a factor of .222 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(C) Equivalent ADM of students enrolled in small group instruction shall be computed by multiplying the total hours of instruction by a factor of .333 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(D) Equivalent ADM of students receiving individual instruction shall be computed by multiplying the total number of hours of tutorial instruction given by a factor of 1.0 and dividing the product by 73 for the July 1 to December 31 period cumulative report and by 175 for the June 30 annual report;

(E) Case management services (not limited to student contact) may be counted as large group instruction and constitute up to ten percent of equivalent ADM if specifically authorized by contract with the resident school district;

(F) Documented time in supervised work experience programs, supervised community service activities and supervised independent study, if performed as a part of the instructional programs designed to fulfill the student's educational goals, may be counted as large group instruction;

(G) Over any 20-day period, no more than 20 equivalent membership days may be claimed for any student receiving a combination of instructional services under paragraph (7)(b)(A), (B), (C) or (D) of this rule. Equivalent membership days for any student is equal to the hours of instruction given multiplied by the factor appropriate for the size of the instructional group.