



Illinois State Board of Education

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Overview of Special Educator Work Load Plan Requirements August 31, 2009

Under 23 Illinois Administrative Code 226.735 (Work Load for Special Educators), districts are required to adopt a plan specifying limits on the work load of their special educators. Specifically, Section 226.735 states:

In order to provide students with IEPs the free, appropriate education to which they are entitled, each entity subject to this Part shall adopt a plan specifying limits on the work load of its special educators so that all services required under students' IEPs, as well as all needed ancillary and support services, can be provided at the requisite level of intensity.

- a) *Each plan shall be developed in cooperation with the entity's affected employees and, where there is an exclusive representative, in accordance with the Illinois Educational Labor Relations Act (IELRA) [115 ILCS 5]. Each plan shall take effect for the 2009-10 school year, or as soon as possible after that date, if a later date is necessary to comply with an agreement under the IELRA in effect at the beginning of that school year.*
- b) *Each plan shall be based on an analysis of the activities for which the entity's special educators are responsible and shall encompass, but need not be limited to:*
 - 1) *individualized instruction;*
 - 2) *consultative services and other collaboration among staff members;*
 - 3) *attendance at IEP meetings and other staff conferences; and*
 - 4) *paperwork and reporting.*
- c) *The number of children served by a speech-language pathologist shall be based on the speech-language needs of each child. The other provisions of this Section notwithstanding, at no time shall the caseload of a speech-language pathologist exceed 60 students.*

The plan required by this rule must specify limits on the work load of special educators "so that all services required under students' IEPs, as well as all needed ancillary and support services, can be provided at the requisite level of intensity." "Special educators" includes, in addition to special education teachers, other service providers such as, but not necessarily limited to, school psychologists, school social workers, etc. It is not possible to provide an exhaustive list of the types of positions that would be included because the critical question is the type of services each individual is providing. The term does not include individuals employed as general education teachers.

In developing the plan, it is important that all entities be knowledgeable of the requirements cited above. This includes development of the plan in cooperation with the entity's affected employees and careful analysis of the activities delineated under 23 IAC 226.735(b).

The Illinois State Board of Education (ISBE) will not provide a format for local work load plans. Rather, the development of such plans is the responsibility of each local entity. We have, however, posted a resource on work load plans on the ISBE website at http://www.isbe.net/spec-ed/pdfs/work_load_plans.pdf. This resource is adapted from a presentation at the May 2008 conference of the Illinois Alliance of Administrators of Special Education and a workshop delivered in a local special education cooperative. It provides examples of such things as a process for developing and possible components of a work load plan, ways to analyze the activities delineated in 23 IAC 226.735(b), etc.

Although entities will not be required to submit local work load plans to ISBE for review or approval, each entity is responsible for ensuring that the plan meets the requirements cited above. Documentation of the work load plan must also be maintained locally so that it is available for review if necessary. Finally, it is important to note that the work load plan is a fluid document, in that it may need to be revised as changes occur in the responsibilities of special educators and the instructional service needs of students. Accordingly, local entities are strongly encouraged to review the plan on a regular basis and update it as needed.

Questions about the information contained herein may be directed to the Special Education Services Division at 217-782-5589.