

## Compliance Issues

- UPDATE: Speech-Only 3Y4Y Students
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- Employee Travel and Mileage Reimbursement

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### ▪ **3Y4Y Speech Only Students – 40D Reporting Requirements, SY2011-12**

Per the June 10, 2011, Memorandum from NMPED regarding the Service Level for 3Y4Y Speech Only students:

1. Prior to the 40D Count, the Service Level for each 3Y4Y student attending Head Start who receives only speech therapy services and who qualifies as a Speech Only student (see requirements to be met in Compliance Issues Vol. 4, Issue 1) is to be revised from Maximum Level 4 (D) to Minimum Level 1 (A) *or* Moderate Level 2 (B) depending on the amount of speech therapy the student is receiving. This will require a change to the IEP Service Page in accordance with IEP Amendment procedures already provided to all special education staff. The WNPA will address and explain this change, e.g., “The Service Level of this student is being changed from D to A pursuant to a directive from NMPED on June 10, 2011.” This is a reporting change only; the nature and amount of special education services provided to the student will not change.
2. Prior to the 40D Count, the Service Level for each 4Y student attending a district Pre-K program who receives only speech therapy services and who qualifies as a Speech Only student (see requirements to be met in Compliance Issues Vol. 4, Issue 1) is to be revised from Maximum Level 4 (D) to Minimum Level 1 (A) *or* Moderate Level 2 (B) depending on the amount of speech therapy the student is receiving. This will require a change to the IEP Service Page in accordance with IEP Amendment procedures already provided to all special education staff. The WNPA will address and explain this change. This is a reporting change only; the nature and amount of special education services provided to the student will not change.
3. Prior to the 40D Count, and continuing through the 2011-2012 school year, IEP teams convening for regularly scheduled Annual Reviews (which always include the parent) for each 3Y4Y student attending a district Early Childhood program, will be informed of the NMPED directive of June 10, 2011. The IEP teams must be informed that students who have been determined by the Team to need only speech therapy, and who qualify as Speech Only students, will be reported *immediately* as Service Level A or B, but beginning school year 2012-13, may only receive speech therapy services.

The speech therapy services will tentatively (*i.e., subject to change*) be provided on one designated (to be determined) ½-day (a.m. *or* p.m.) of the week at the site of the EC program. Transportation to and from the EC program will continue as before, but only on the designated ½-day. The newly revised Annual Review IEP and corresponding WNPA will reflect the nature, amount, and location of the services being provided. **In other words, the students who are determined to be Speech Only in EC programs may continue, through school year 2011-12, receiving four-day-a-week services but will be reported to NMPED as Service Level A or B. Beginning school year 2012-13, these Speech Only students will receive ONLY speech therapy and ONLY on one ½-day per week (*subject to change*), with transportation to and from the EC program site.**

▪ **5Y Students**

“5Y” is a term used for five year-old special education students determined by their IEP teams not to be ready for “regular” kindergarten, or needing a “kinder-readiness” program. Since these students are by definition five years-old on September 1, they must be reported as Kindergarten students in STARS. In addition, they are entitled to full-day services, five days a week, as are regular kindergarten students. The placement options for 5Y students are: 1) a home campus or centralized special education kinder-readiness program consisting of all 5Y students, with a teacher holding a Sped 400 license; 2) a regular or “resource” kinder program on the student’s home campus with instructional accommodations/modifications appropriate to each student’s functioning level; or, 3) for “severe/profound” students only, a home campus or centralized multi-grade LSC or DSC program. Except under unusual circumstances, as determined by each student’s IEP team, and *not* solely for “administrative convenience”, it is not acceptable to simply leave “5Y” students in a 3Y4Y program (that often includes two year-olds) for an additional school year. Five year-old students are entitled to be educated with their same-age peers to the extent appropriate. In addition, the presence of a five year-old in a 3Y4Y class requires that the teacher hold a Sped 400 teaching license.

▪ **Student Daily Schedules - REQUIRED**

The New Mexico Public Education Department is in the process of conducting audits to ensure that the nature, amount, and location of all special education services included on the Service Page of a student’s IEP are actually being provided to the student. As evidence of compliance with this requirement, the NMPED is requiring that all special education students have a current Daily Schedule, available upon request, that includes the time and location of all instructional and related services included in the student’s

IEP. This requirement is effective as of July, 2011. The Daily Schedules are to be completed on a District-approved format.

▪ **Employee Travel and Mileage Reimbursement**

Employees turning in monthly requests for “mileage” reimbursements may only claim mileage from their first stop in the district required by their specific job-related responsibilities, to the last stop in the district required by their specific job-related responsibilities. Employees may not:

1. claim mileage to or from a stop not related to their specific job responsibilities (e.g., “stopping by” a convenient school in order to count the mileage);
2. claim mileage from their assigned “office” as a first stop or last stop when that office was not actually visited;
3. be required to routinely visit their “office” as the first and/or last stop of a work day, when there is no job-related necessity to make such a visit.

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