

Preschool Special Education Ratio Clarification

Frequently Asked Questions

What is the rule?

Per Ohio Operating Standards for the Education of Children with Disabilities 3301-51-11(H)(5)

- Staff ratios of one teacher for six children shall be maintained at all times for a center-based teacher, and a second adult shall be present when there are seven or more children, including nondisabled peers, enrolled in a class session.

What classes are affected by this preschool special education ratio rule?

This rule pertains to preschool special education classes. For the purposes of licensing and adult-to-child ratio, a preschool special education class is one in which the lead teacher is responsible for providing special education services to one or more student(s) on IEPs in the class and is licensed as an Early Childhood Intervention Specialist (or equivalent).

What does the rule mean?

In a preschool special education classroom, the adult to child ratio must be 1:6 for all children in that class (including children with disabilities and children without disabilities) at all times.

- With the addition of a seventh child (whether that is a child with or without a disability), a second adult is required.
- With the addition of a thirteenth child (whether a child with or without a disability), a third adult is required.
- The ratio must be maintained at all times.
 - When an adult who counts in ratio needs to leave the classroom, he/she must take enough children with him/her to ensure that the ratio is maintained both for children left in the classroom and the group leaving the classroom, or he/she must summon another qualified adult to the classroom to maintain ratio.

What happens if the site is found non-compliant?

If a site is non-compliant, a corrective action plan will need to be developed within 30 days. The site administrator will work with a licensing specialist to determine a reasonable time frame to correct the ratio non-compliance. The corrective action plan will need to include the reason for the non-compliance and what will be done to correct the issue.

Who can count for ratio?

It is a district/local decision as to which staff count in ratio. All individuals who are used to count in ratio must have the proper documentation for licensing. An adult must be able to supervise children through sight and sound to count in ratio.

The following positions can count in ratio:

- **Preschool staff member:** A preschool employee whose primary responsibility is care, teaching, or supervision of preschool children and who is used to meet child-to-staff ratio requirements (OAC 3301-37-01(BB)).
 - A director who is on site 50% or more of the time is considered a preschool staff member.
 - A 1:1 aide who has the appropriate documentation to meet the licensing requirements as a preschool staff member can count in ratio for the class.

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- **Non-teaching employee:** A preschool employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children (OAC 3301-37-01(V)). Examples of non-teaching employees include, but are not limited to, a school nurse or secretary.
- **Volunteer:** A volunteer may be counted in the staff/child ratio if a BCII investigation is kept on file; however, a program shall ensure that such practice does not become routine. (OAC 3301-37-04(U))
- **Substitute teacher:** Substitutes for preschool staff members shall meet the Ohio Licensing requirements in 3301-37-04(L).

What is the required documentation for a preschool staff member?

- Completed BCI and FBI background checks;
- Signed medical statement;
- Signed non-conviction statement; and
- In-service training hours (10 hours annually for staff with an associate's degree or higher) (OAC 3301-37-04).

What is the required documentation for a non-teaching employee?

- Completed BCI and FBI background checks;
- Signed medical statement; and
- Signed non-conviction statement.

What is the required documentation for a volunteer?

- Completed BCI background check; and
- Signed non-conviction statement.

What is the required documentation for a substitute teacher?

Required documentation after 15 school days:

- Completed BCI and FBI background check;
- A signed medical statement;
- A signed non conviction statement; and
- In-service training hours (10 hours annually for staff with an associate's degree or higher) (OAC 3301-37-04 (L)).

How many in-service training hours are required annually to meet the licensing requirements for someone to count in ratio?

- A staff person with an associate's degree or higher needs to complete 10 in-service hours per year.
- A staff person with less than an associate's degree needs to complete 15 in-service hours per year until 45 hours are met.

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For the purpose of determining in-service hour requirements, if a staff person has passed a paraprofessional test, does that count as having an associate's degree?

No, passing a paraprofessional test is not considered having an associate's degree. The staff person would need to complete 15 in-service hours per year until 45 hours are met.

How many preschool children with disabilities can an itinerant teacher serve?

The Operating Standards state that an itinerant teacher shall serve no more than twenty children (3301-51-11(H)(4)). However, an itinerant teacher may need to serve fewer than 20 children based on other factors. Other factors that would limit an itinerant teacher's caseload may include the severity of children's needs, experience levels of partner teachers, and distance needed to travel for each child.

How many preschool children with disabilities can be served in a general education classroom?

Neither Operating Standards nor Licensing Rules state the maximum number of preschool children with disabilities that can be served in a general education classroom. However, the Operating Standards do state, "the maximum number of children enrolled in any class shall be appropriate for the severity of disabilities and needs of the children enrolled" (3301-51-11(F)(7)). However, to meet the federal educational environment definition of a regular early childhood environment, a classroom must have at least fifty percent children without disabilities enrolled.

What is the difference between licensing ratio and the 50/50 ratio?

For the purposes of licensing and adult-to-child ratio, the role of the teacher combined with his/her credentials determine whether a class is a preschool special education class or a general education class. For a preschool special education class, the adult-to-child ratio is 1:6 with a maximum class size of 16 (eight children with disabilities and eight children without disabilities). For a general education class, the adult-to-child ratio and maximum class size varies depending on the ages of the children.

For the purpose of reporting federal Least Restrictive Environment, the ratio of children with disabilities to children without disabilities is used to differentiate between a regular early childhood setting and a separate class setting. If at least 50% of the children in a classroom are children without disabilities, the setting is considered a regular early childhood setting.

Least Restrictive Environment is a requirement in federal law that students with disabilities receive their education, to the maximum extent appropriate, with nondisabled peers, and that special education students are not removed from regular classes unless, even with supplemental aids and services, education in regular classes cannot be achieved satisfactorily. [20 United States Code (U.S.C.) Sec. 1412(a)(5)(A); 34 Code of Federal Regulations (C.F.R.) Sec. 300.114.]

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How can I tell if my class is a preschool special education class or a general education class?

For the purposes of licensing and adult-to-child ratio, the role of the teacher combined with his/her credentials determine whether a class is a preschool special education class or a general education class.

Which license(s) does the head teacher hold?	Dual Licensed	Regular Early Childhood License	Early Childhood Intervention Specialist License		
Is the Head Teacher responsible for Specially Designed Instruction for at least one child with a disability in the class?	No	No	NA	General Education Class	Class Type for Licensing
	Yes	NA	Yes	Special Education Class	

For the purpose of reporting federal Least Restrictive Environment, the ratio of children with disabilities to children without disabilities is used to differentiate between a regular early childhood setting and a special class setting. If at least 50% of the children in a classroom are children without disabilities, the setting is considered a regular early childhood setting.

Which license(s) does the head teacher hold?	Dual Licensed	Regular Early Childhood License	Early Childhood Intervention Specialist License		
What is the ratio of students with disabilities to students without disabilities?	At least 50% children without disabilities	At least 50% children without disabilities	At least 50% children without disabilities	Regular Early Childhood Environment	Federal LRE
	More than 50% children with disabilities	NA	More than 50% children with disabilities	Separate Class	