



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Directors of Special Education and Pupil Services

**FROM:** Isabelina Rodriguez, Ed.D., Chief, Bureau of Special Education

**DATE:** September 9, 2015

**SUBJECT:** Determination of Time with Non-Disabled Peers for Students with Disabilities

This memorandum is to serve as updated clarification regarding how your district should count hours for time with nondisabled peers (TWNDP) as it relates to students with disabilities (SWD) in various educational settings.

**Elementary and Secondary Educational Settings**

For purposes of determining time in the school day that a student with disabilities is being educated with his/her nondisabled peers, the following applies:

- the student with disabilities is being educated in a general education classroom;
  - a general education classroom is taught by the certified general education teacher of record who is considered highly qualified in the content or subject area instruction provided;
- the student with disabilities is being educated in a co-taught classroom;
  - a co-taught class is a class with at least 50 percent of students on the class roster who are not SWD and the class is co-taught by a general educator and a special educator or other licensed certified staff; and
- the time that a student with disabilities spends in hallways and during lunch, recess, and study periods should be counted as time spent with nondisabled peers unless:
  - during any of these times, the student has been removed from the environment to a separate setting for purposes of specialized instruction or related services for any portion of the time; or
  - the student spends time in hallways or during lunch, recess, and study periods where he/she is segregated from nondisabled peers.

Examples of settings where a student with disabilities is considered to be educated with his/her nondisabled peers include:

- a general education classroom with at least 50 percent of students on the roster who do not receive special education services;
- a co-taught class with at least 50 percent of students on the roster who do not receive special education services; and
- lunch, recess, and other non-academic time during the school day where students with disabilities are included with other age-appropriate classes or groups of students.

Examples of settings where a student with disabilities is **not** considered to be educated with his/her nondisabled peers include:

- an art class taught by the art teacher where all the students in the class are SWD from the school's self-contained class;
- a special education resource room comprised of SWD receiving specialized instruction;
- virtual learning opportunities, including those for credit recovery, where a student with disabilities participates electronically (either individually or with other SWD) but is not physically attending a class with non-disabled peers; or
- a general education classroom either co-taught or taught by a general education teacher, where more than 50 percent of the students in the class are students with disabilities.

### **Work-Based Learning Experiences/Community-Based Settings**

The federal definition of “regular education” as it applies to work-based learning experiences and/or community-based settings includes the following:

- “... age-appropriate community-based settings that include individuals with and without disabilities, such as college campuses or vocational sites...” (United States Office of Special Education Programs [OSEP] Individuals with Disabilities Education Improvement Act [IDEA], Part B Data Dictionary – October 2002).

When determining if such community-based settings for work-based learning or skills training programs should count as TWNDP, all of the following apply:

- the work-based learning placement occurs in an inclusive setting where individuals with and without disabilities are present and typically interact with each other or with customers without disabilities;
- the work-based learning experience is one in which any student could potentially work;
- it is not a work-based learning placement that has been designed **just** for students with disabilities; and
- the community-based work-based learning placement and/or skills training program is part of the student's educational program (i.e., not just an after-school job).

Examples of community-based work-based learning placements that would meet the criteria to be counted as TWNDP, based on the above criteria, would include the following:

- individual work sites, on a regular and consistent basis, with or without a job coach, that include individuals without disabilities;
- in-school work sites, on a regular and consistent basis, with or without a job coach, that include individuals without disabilities;
- a work crew or enclave where a group of students may go to one work site, but each student works in different jobs within that one site (e.g., the work site may be at a grocery store, four students go at one time, supervised by a job coach, but each student is working in a different part of the store and interacting with employees and/or customers without disabilities); and/or

- periodic career exploration activities, such as, job-shadowing, visits to businesses and career or college fairs or trade shows.

Examples of community-based experiences that would **not** meet the criteria to be counted as TWNDP would include the following:

- sheltered employment of any kind;
- work crews or enclaves where a group of students complete work in a separate room or setting and there is no meaningful presence of or interaction with individuals without disabilities;
- work crews or enclaves where students participate in jobs such as maintenance/grounds keeping etc., but the work occurs after business/company hours and there is no meaningful presence of or interaction with individuals without disabilities; and/or
- periodic “field trips” to the community to conduct independent living activities.

### **Contact Information**

If you have any questions regarding this information, please contact Rhonda Kempton at (860) 713-6924 at or [Rhonda.Kempton@ct.gov](mailto:Rhonda.Kempton@ct.gov).

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