

## DECREASING PAPERWORK FOR SPED STAFF

### Functional Behavior Assessment (FBA)

Time required

Concern	MDE has interpreted the law in a manner that it prohibits school districts from doing a stand-alone FBA. According to MDE, districts must do a comprehensive evaluation instead of just doing Functional Behavior Assessment every time the IEP team has a concern about the student's behavior. Also, if the child's behavior has resulted in an emergency change in placement, then the school team must complete an FBA within 10 days.	20 - 40 hours
Solution	Statutory language stating that an FBA may be conducted as a stand-alone assessment.	2 hours
Rationale	Instead of using the time of several specialists to complete the comprehensive assessment, teachers would do the behavior assessment only to analyze a student's behavior.	<b>18 - 38 hours saved</b>

### Prior Written Notice (PWN)

Time required

Concern	Minnesota law specifies content that must be included in PWN that is not required under federal law. ( <i>See</i> Minn. Stat. § 125A.091, subd. 3a). MDE has promulgated forms and interpreted the law in a manner that requires school districts to include excessive amounts of information in a PWN.	1 hour
Solution	Bring Minnesota law into alignment with federal law by eliminating the requirement to put additional information in the PWN. Obtain agreement from MDE on checklists to decrease time spent on completing forms.	0.25 hour
Rationale	Prior Written Notice is a summary of the IEP meeting and the IEP proposal. Having the same information repeated on the PWN several times is not necessary or beneficial.	<b>0.75 hour saved</b>

**IEP Goals and Objectives**

Time required

Concern	Federal law requires that an IEP contains short-term objectives only for students who take alternate assessment. Minnesota Rule 3525.2810 requires that all IEPs include short-term objectives.	2 - 6 hours
Solution	Bring Minnesota law into alignment with federal law by eliminating the requirement to include short-term objectives in IEPs.	0
Rationale	For those students not taking an alternate assessment, short-term objectives could be an option but not the requirement. Students would still work toward the same goal but documentation time would be decreased for staff during IEP development and when completing progress reports.	<b>2 - 6 hours saved</b>

**Transition Services**

Time required

Concern	Under federal law, the IEP team must address transition services when a student turns 16. Under Minnesota law, the IEP team must address transition services in the areas of postsecondary education and training, employment, community participation, recreation, and leisure and home living starting in grade 9. ( <i>See</i> Minn. Stat. § 125A.08(b)(1)). This is wholly unnecessary and creates additional evaluation and paperwork requirements.	6.5 hours
Solution	Bring Minnesota law into alignment with federal law by eliminating the requirement to address transition services during grade 9 or age 14.	0 hours
Rationale	This is wholly unnecessary and creates additional evaluation and paperwork requirements for staff that would otherwise not need to be trained in these areas. SPED educators have to spend more time on transition assessment and secondary transition planning while students are still in Middle School. Middle School SPED teachers have to be trained to do post secondary assessments and planning.	<b>6.5 hours saved</b>

**Conciliation Conferences**

Time required

Concern	Minnesota law requires school districts to provide parents an opportunity to participate in a conciliation conference whenever the parent objects to a school district’s proposal ( <i>See</i> Minn. Stat. § 125A.091, subds. 7 & 8; Minn. Rule 3525.0700). Within five school days after the final conciliation conference, the district must provide the parent with a written memorandum that conforms with Minnesota Statutes, section 125A.091, subdivisions 3 and 4, and must provide the parent with any proposed IEP resulting from the conciliation conference. Federal law does not contain any conciliation conference requirements.	3 - 7 hours
Solution	Bring Minnesota law into alignment with federal law by eliminating the requirement to hold a conciliation conference and provide parents with another trail of paperwork after the conference.	0 hours
Rationale	When the due process is initiated, additional people get involved to resolve the conflict. Additional paperwork is required to provide documentation about the process and the outcome of the conference. IEP teams should have an option to have another meeting or go directly into the mediation process.	<b>3 - 7 hours saved</b>

**Reporting on state and district assessments**

Time required:

Concern	Minnesota law suggests to report the results of the pupil’s performance on any state or district-wide assessments within the IEP. ( <i>See</i> Minn. R. 3525.2810, subp.2(A)). These results do not reflect on the student’s specific educational needs. Parents of all students receive assessment results from school.	2 - 3 hours
Solution	Remove the requirements to include state and district-wide testing results that are not specific to the student’s educational needs from the IEP.	0 hours
Rationale	It takes time to locate, interpret, and report on the results of those assessments. SPED teachers have to reflect on those results in addition to results of progress monitoring they already have for their students.	<b>2 - 3 hours saved</b>

**Total time saved** to provide direct instruction for one student:

**32 - 61 hours per student**

**Total time saved** to provide direct instruction for 15 students (average caseload):

**480 - 915 hours per teacher**

## REASONS FOR THE PROPOSAL

Paperwork required by federal and state laws is becoming an unbearable burden for special educators. Teachers are spending vast amounts of time filling out forms and not teaching their students. Often times that paperwork leads to generating the same information and repeating it over and over again on different forms. The focus of special education has gotten far away from the educational needs of the child. The growing number of students qualified for special education services receive less and less instructional time with their special education teachers due to paperwork requirements.

The concept of making educators accountable by requiring them to create “a papertrail of accountability” doesn’t transfer into quality of teaching. Unfortunately, the focus is still on completing paperwork required at the federal and state level and not on academic achievement, high school graduation and opportunities for work and further education. In fact, for most students with disabilities, it translates to a life of unemployment, poverty and dependence. According to the MDE Report Card, only 30.4% students receiving special special education are proficient in reading and 29.9% are proficient in math. The graduation rate is at 60.8% for students in special education compared to 82.2% for all students. Our special education system is still largely procedural, highly regulated, and not generating the positive outcomes for our students.

Paperwork takes time away from teaching. Due to additional paperwork requirements, SPED teachers in Minnesota spend less time with students and have to rely on paraprofessional support to provide instruction. While trying to stay in compliance with due process paperwork, teachers may have less time to spend on developing their curriculum to meet unique needs of their students, collecting and analyzing meaningful data to adjust and improve their instruction, and most importantly to work directly with their students. It also puts stress on teachers, discouraging them from staying in the field of teaching. The amount of paperwork that special education teachers are required to complete can contribute to job dissatisfaction and can be a cause of teachers leaving their profession.

The goal of special education is to prepare our children for the real world that awaits them when they leave school. The paperwork should be a plan on how to support our students to become successful adults and not a reason our special educators leave their profession or a burden pulling resources and instructional time away from students.

According to OFFICE OF THE LEGISLATIVE AUDITOR Special Education Evaluation Report from March 2013 (<https://www.leg.state.mn.us/docs/2013/other/130442.pdf>), many Minnesota statutes and rules exceed federal requirements for special education. Recommendation was made for Minnesota Department of Education to continue its efforts to streamline paperwork required in special education and also evaluate the effectiveness of districts’ paperwork reduction strategies to encourage additional efficiencies. Since that recommendation made by the Office of Legislative Auditor, nothing has changed for Minnesota SPED Educators in terms of reducing paperwork requirements.