

Education Minnesota Research Brief

Subject: Research and Data in support of HF562 (Edelson) /SF920 (Gustafson);
due process time for special educators
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Summary

Teachers working in special education are required by federal and state law to complete and file due process paperwork for the students on their caseload. Paperwork takes substantial time and effort to be completed with fidelity.

Most educators do not have enough time in their contract day to complete paperwork nor do they receive additional support or compensation from their district for completing paperwork outside of the contract day. Most special education teachers spend an additional 15-20 unpaid hours each week to meet mandatory paperwork deadlines.

In addition, Minnesota requires additional due-process requirements, many of which are redundant or offer no new information for families. This work falls directly on educators who are already managing very large caseloads. This is contributing to high attrition of special education teachers.

Proposed Solution

All special education teachers serving as case managers will be compensated due-process time to complete federal, state, and district special education paperwork, or have other school staff assist with paperwork requirements.

General Overview

Special education due-process paperwork, primarily Individualized Education Programs (IEP) and supplemental materials, serve as both a legal agreement and as a vital window for adult caregivers to monitor the educational progress of a student. Federal and state statute mandates the type of due process paperwork required for all students receiving special education services as well as the timelines for when the paperwork must be completed and filed.

Experts in special education have long been able to correlate the burden of paperwork demands with attrition of special education teachers. These findings have also been corroborated by numerous federal, state, and local studies and surveys. Unfortunately, there has yet to be any direct action at the state level related to improving due-process paperwork.

Billingsley and Bettini (2019) published the most recent review of all major studies on special education teacher attrition in the *Review of Educational Research*. The authors found that the majority of research concluded “that special educators struggle with work demands and when these demands exceed their capacity to fulfill them, they may be at greater risk for attrition.” Every special education teacher in the state of Minnesota has currently been given more work demands than they can reasonably manage within their standard contract day.

Complicating Factors

- **The most recent [PELSB Teacher Supply and Demand report \(2023\)](#) confirmed, once again, that Minnesota has a **CRITICAL shortage of special education teachers and a CRITICAL shortage of students pursuing careers in special education.** District leaders named Autism Spectrum Disorder, Emotional Behavioral Disorder, and Learning Disability as the three licensure areas that are consistently the hardest to fill (p. 43).**
- **Educator attrition in special education only exacerbates the paperwork and caseload issues that are over-taxing special education teachers.** Districts have less special education teachers which results in rising caseloads for the remaining teachers. Higher caseloads mean even more paperwork for special education teachers.
- **High caseloads combined with the lack of time and resources to meet due process paperwork demands are a leading causes of SPED teacher attrition.** Billingsley and Bettini (2019) conducted a meta-study of peer reviewed research on special educator attrition and confirmed that paperwork requirements and the lack of time to meet these requirements both (1) contribute to high rates of attrition and (2) reduce the amount of time special educators can devote to working with students; the pandemic caused by COVID-19 further aggravated this reality. (Billingsley & Bettini, 2019; Billingsley B. , 2004; Kaff, 2004; Demik, 2008; Albrecht, Johns, Mounstevens, & Olorunda, 2009; Berry, Petrin, Gravelle, & Farmer, 2011; Hagman & Casey, 2018)
- **Most teachers do not have enough contract hours to provide direct services and complete federal, state, and district documentation requirements.**
- Due-process paperwork and SPED evaluations are highly regulated by federal and state laws, and SPED teachers must comply with all requirements. Otherwise, they are subject to discipline, fines, termination of employment, and loss of professional license.
- SPED teachers, like all licensed teachers, are guaranteed one period for curriculum preparation each school day. **Unfortunately, special education teachers often do not receive this statutorily protected hour.** There is a MASSIVE substitute teacher shortage. SPED teachers are often more itinerant or have schedules less tied to direct classroom instruction. This means that they are often used as the de-facto substitutes for the building, and they end up losing their only prep time.
- **Special Education teachers need prep time for purposes of creating curriculum and interventions for students.** SPED teachers are teachers by definition and serve as case managers as a secondary role. They also need the prep period to plan and modify curriculum and arrange for modifications and accommodations for SPED students. Some administrators, especially those who do not come from special education, expect them to complete all paperwork and plan for their classes in this one 50 minute window they get each day.
- **SPED teachers who conduct initial assessments and observations are extremely limited by the lack of assessment/due-process time.** Some disability categories require a teacher to observe children in three different settings. This is structurally impossible to fit in a regular school day if a SPED teacher only has the one 50 minute period that occurs at the same time each day in which to assess students. Teachers are driving to community centers and playgrounds, on weekends and after school on their own time and out of their own pocketbook.

Important Facts

- EdMN supports paperwork/due-process paperwork improvements which should not be confused with paperwork reductions. Our members see benefit in some of the additional Minnesota requirements, but they are burdened by redundant and dated policies they see as mere formalities that take away from instructional time.
- EdMN and most administrative groups agree that paperwork improvements are necessary if the state hopes to stop special educators from leaving the profession.
- Districts are not the bad actors. Some districts have additional requirements beyond state and federal law, but these policies are usually developed as a result of litigation or other legal concern. District leaders do not have the sole authority to eliminate due-process paperwork requirements and must ensure their educators follow the law. Otherwise, the district is vulnerable to state and federal sanctions and lawsuits.
- Special Education teachers want to write quality IEPs, but they are not being given the time and resources they need to complete this work.
- IEPs are legal contracts between a district and a student. SPED teachers can be sued and disciplined for failing to meet federal and state paperwork deadlines. They also risk losing their professional licenses in some cases.

References

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