



# Building an Equitable School System for All Students and Educators

*Section 10*

*Improving Special Education  
Services in Minnesota Schools*



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# The Special Education Team

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**Ellie Conrad** is an emotional and behavioral disabilities teacher at Boeckman Middle School in Farmington. She provides emotional and behavioral support and teaches life skills and academic support classes to students in grades (K-12). Ellie has a M.Ed. degree from the University of Minnesota, Twin Cities. She also completed an EBD certificate in special education from St. Cloud State University. Ellie has recently become involved with the Education Minnesota special education committee where she advocates for student and staff supports and mental health. Outside of school, Ellie enjoys horseback riding, kayaking, swimming, reading and being outdoors with her two sons and husband.



**Maria-Renée Grigsby** is a special education teacher for the Roseville Area Schools. She holds licenses in both elementary education and emotional and behavioral disorders. She has been a public school teacher for more than two decades. She earned her bachelor's degree in elementary education from the University of St. Thomas and her M.Ed. from St. Mary's University. She is a diversity trainer, served on a plethora of community committees including the Pan-African Community Endowment Committee for the St. Paul Foundation. She is co-chair of a Native American Parent Advisory Committee, and she is a member of Education Minnesota's special education committee. She is passionate about increasing and sustaining real equity in public schools.



**Nichelle Zimmer** has been a school psychologist for the last 25 years with the Forest Lake Area Schools. She also worked as an autism resource specialist for 15 years for the same district. She has a B.A. from Luther College and a master's degree from San Jose State University. Nichelle is also a co-director for Camp Discovery, a camp for individuals on the autism spectrum, through the Autism Society of Minnesota. In her free time, she enjoys traveling, reading, and spending time with family and friends.



**Tracy Jo Detloff** is a middle school special education teacher in the New London-Spicer School District. She holds an elementary education license from Southwest Minnesota State University. She also earned her master's degree from Southwest Minnesota State University in K-2 educational leadership, learning disabilities, and emotional and behavioral disorders. She also holds her K-12 reading licensure. In her free time, she loves spending time with family and friends, traveling, gardening, and attending sporting events.



**Becki Church** is a special education teacher in the Freshwater Education District. She holds licenses in elementary education, K-6, 5-8 mathematics, learning disabilities, and emotional and behavioral disorders. Becki has an A.A. from Aims Community College, a B.E. from the University of Minnesota, Morris and a M.S. in special education from Southwest Minnesota State University. In her spare time, Becki enjoys outdoor activities such as hunting, fishing, motorcycling, snowmobiling, and time at the lake cabin.



**Brian Rappe** is a middle school special education teacher at Nicollet Middle School in the Burnsville School District. He has been with Burnsville schools for 20 years. Brian holds a B.S. from Northwestern University, Twin Cities in ministry and biblical studies and a M.Ed. from the University of Minnesota, Twin Cities. He holds teaching licenses in emotional and behavioral disabilities and reading. He is also the chair of the Professional Educators Licensing and Standards Board (PELSB). Brian's enjoys seeing live music and traveling with friends.



**Gwendolyn Johnson** is an occupational therapist in the Northeast Metro 916 Intermediate School District. She graduated from St. Catherine University in 1990 with a B.A. in occupational therapy and Saint Mary's University of Minnesota in 2013 with an M.A. in organizational leadership. Gwendolyn is a licensed occupational therapist and has National Board Certification in occupational therapy. She has demonstrated her commitment to creating safer school environments through testifying for the Senate Education Committee, urging policymakers to attend listening sessions with educators experiencing challenging unsafe school environments, advocacy, mentoring, and empowering educators and students. Outside of work, she enjoys volunteering for diverse nonprofits, mentoring youth, and spending time with family.



**Heather Bakke** is a high school special education teacher at Gibbon-Fairfax-Winthrop High School in Winthrop. She earned a B.A. from Gustavus Adolphus College in teaching secondary social studies, and a special education certificate from St. Cloud State University. Heather is the president of the G.F.W. Education Association and a member of the Education Minnesota Governing Board. In her spare time, Heather loves to read, collect squirrel knickknacks, and send strongly worded letters to politicians.



**Janice Reed** is an education assistant in the Center Based Emotional Disturbed Department at Cooper High School. Her goal is give back and fill the gap to children who need extra love and support. Janice is a very active participant in her union, Robbinsdale Local 872. She is a union building representative, a certified Members Rights Advocate and a member of the Education Minnesota's Racial Equity Advocate committee. She has an A.S. Science Degree in Business Administration from Colorado Technical University Online and would like to become a special education teacher in the near future. Janice is married with two children. In her spare time, she volunteers as church teacher for kids at her church. Janice also enjoys spending time with her family, especially her two grandchildren.



**Karen Erickson** is a special educator at Henry Sibley High School. She holds a M.A. in education in differentiated instruction from Concordia University, St. Paul and a B.S. in special education from Minnesota State University-Moorhead. Karen is in her 25th year of teaching. She has been a district facilitator, a crisis-prevention intervention trainer, and has Advancement via Individual Determination training. Karen spent 24 years as a teacher at Dilworth-Glyndon-Felton Schools before transferring to her current position.



**Patrick Byron** is a retired elementary, special education vocational education teacher with the Rochester Public Schools. He holds a B.S. in elementary education from the College of St. Theresa, Winona, MN. He has a M.S. degree in special education from Minnesota State University, Mankato. He currently works as an adjunct staff member and supervises special education student teachers for the special education department at Winona State University. He also substitutes in all subject areas for the Winona and Rochester Public Schools. Patrick likes to spend time with his grandchildren, travel, and volunteer.



**Amber Serfling** is a special education teacher in the Grand Rapids Public School District. Amber holds a B.S. from Metropolitan State University with a focus in violence prevention and intervention. She completed her special education licensure in the areas of emotional behavioral disorders and specific learning disabilities through the University of Minnesota, Duluth's Naada Maadawin Program. Amber provides trainings through Education Minnesota in the areas of trauma, restorative practices, and special educators working together. She is a former member of Education Minnesota's special education committee. In her free time, Amber loves spending time with her family, fishing, and reading.



# Introduction

All previous EPIC teams have contained special educators and brought attention to the intersection of special education and other E-12 policy issues. Our EPIC paper on teacher recruitment and retention contained a section on the attrition problems school districts face in retaining special education teachers. In addition, our EPIC paper on trauma-informed restorative schools provided a detailed analysis of the disproportional use of suspensions and expulsions on students with disabilities. Finally, our EPIC paper on teacher preparation emphasized the need to help special educators and general education teachers collaborate for the benefit of all students. However, this section represents the first comprehensive, stand-alone look at the policy issues facing educators working in special education and their students.

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**The United States federal government and the state of Minnesota continually underfund special education, which leaves educators and students with a lack of critical resources. In addition, this lack of funding continues to grow on an annual basis despite increased public awareness of the disparities.**

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The United States federal government and the state of Minnesota continually underfund special education, which leaves educators and students with a lack of critical resources. In addition, this lack of funding continues to grow on an annual basis despite increased public awareness of the disparities. This funding problem causes local districts to redirect funds from other revenue streams to meet the unfulfilled promises of federal and state policymakers. It is time for the leaders of this state to provide the resources all children deserve regardless of ability.

One way to start to close this fiscal gap is to fully fund the so-called special education “cross subsidy” in Minnesota. Due to the chronic refusal to pay for special education services at both the state and federal level, the price tag for closing this gap is estimated at around \$1.5 billion. These funds would not only ensure high quality special education services to our most vulnerable students, but also end the deeply problematic practice of shifting general education funds to cover the cost of special education services. Every single student in Minnesota would benefit from this change – dramatically.

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**Policymakers have ignored and underfunded special education programs since they were required in 1975, and we offer this section as a start to what needs to be a longer and substantial conversation about funding special education.**

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Special education is a unique and specialized part of the larger E-12 framework, and we think it is appropriate to offer a quick primer before addressing systemic challenges. Policymakers have ignored and underfunded special education programs since they were required in 1975, and we offer this section as a start to what needs to be a longer and substantial conversation about funding special education. Minnesota does not need to commission new focus groups or task forces. Previous state commissions and agencies, working in a bipartisan manner, have identified the shortfalls hampering the efforts of educators working with some of our most at-risk students. It is time to start implementing the recommendations of researchers, educators, and policy experts.

In what follows, we first offer a general overview of the special education landscape in Minnesota. Next, we discuss opportunities for change. We specify three challenges that hinder the work of educators in special education as they relate to: (1) funding, (2) special educator attrition, and (3) work environment and student services. Finally, we offer a list of potential solutions Minnesota policymakers can use to start improving the conditions for educators in special education and their students.

## The Special Education Landscape in Minnesota

Special education policy and terminology can seem complicated to those not directly involved with this portion of the overall E-12 public education system. First, numerous revenue streams from local, state, and federal governments fund special education programs in Minnesota. Second, special education operates with its own jargon and terminology different from that of other branches of E-12 education. Finally, special educators, parents, and students encounter a variety of additional legal responsibilities and rights above those influencing the school careers of general education students and their families. For these reasons, it is important to pause and present some general facts about special education in Minnesota. In this section, we describe: (1) the process of special education identification and (2) the current demographics of the special educator workforce and special education student population in Minnesota.



# Special Education Identification

The Individuals with Disabilities Education Act (IDEA), known as the Education for All Handicapped Children Act from 1975-1990, guarantees all schoolchildren in the United States a free appropriate public education (FAPE) in the least restrictive environment necessary. This means state governments and local education agencies (LEAs) must provide services to students with disabilities to meet this obligation. All Minnesota schoolchildren, including traditional public school students, charter school students, and private school students, are entitled to special education services paid for by the school district in which they officially reside. For example, Minneapolis Public Schools would be financially responsible for funding the necessary special education services of a student who resides within the district boundaries but attends a private school in Eagan.

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**An individualized education program is a legally binding document holding school officials accountable for the services a student needs in accordance with his or her federal right to a free appropriate public education in the least restrictive environment possible.**

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Students and families must move through a series of steps before a child will receive special education services. First, school officials screen students to determine if a child is eligible to receive comprehensive special education services. Children first move through a pre-referral intervention process. After that process is complete, a student is formally evaluated. If a student's evaluation results show a need for special education services, the educators, the parents or guardians of an identified child, and other support professionals meet to collaboratively develop an Individualized Education Program (IEP)<sup>1</sup> in order to meet the student's unique needs. It is important to note, **IEP is a legally binding document holding school officials accountable for the services a student needs in accordance with his or her federal right to a FAPE.** To date, there are 13 disability categories identified in federal statute and state statute. They include:

1. autism spectrum disorders (ASD)
2. deaf-blind (D/B)
3. deaf and hard of hearing (D/HH)
4. developmental cognitive disabilities (DCD-MM, DCD-SP)<sup>2</sup>

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<sup>1</sup> *Special education teachers face unique legal responsibilities as compared to general education teachers. IEPs are legally binding contracts that can result in legal consequences if an educator or district fails to meet the needs of a child.*

<sup>2</sup> *DCD-MM = Developmental Cognitive Disabilities: Mild-Moderate; DCD-SP = Developmental Cognitive Disabilities: Severe-Profound*

5. developmental delay (D/D)
6. emotional or behavioral disorders (EBD)
7. other health disabilities (OHD)
8. physically impaired (PI)
9. severely multiply impaired (SMI)
10. specific learning disabilities (SLD)
11. speech or language impairments (S/LI)
12. traumatic brain injury (TBI)
13. visually impaired (VI)

In addition, lawmakers should remember that a student might carry more than one disability diagnosis.

## Demographics of Minnesota's Special Education Population: Educators and Students

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**Lawmakers should be appalled, and worried, that 324 individuals are working with students with an emotional and behavioral disorders diagnosis without traditional licensing.**

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In this larger paper, we have alerted lawmakers to the acute teacher attrition problem facing public education systems. However, we want to shine a spotlight on the retention epidemic in special education. The Minnesota Professional Educator Licensing and Standards Board (PELSB) (2019) recently released the biennial *Teacher Supply and Demand* report to the Minnesota Legislature. Individuals holding special education licenses are choosing to not use them at alarming rates. In addition, chart 10.1 shows that seven of the top 15 licensure categories requiring “special permissions” are in the area of special education. Lawmakers should be appalled, and worried, that 324 individuals are working with students with an EBD diagnosis without traditional licensing.

CHART 10.1: SPED LICENSE AREAS WITH THE MOST TEACHERS WORKING UNDER SPECIAL PERMISSION/OUT OF COMPLIANCE

AREA	NUMBER OF TEACHERS WITH SP/OOC
Mildly handicapped	526
Emotional and Behavior Disorders	324
Early Childhood Special Education	284
Learning disabilities	255
Autism spectrum disorders	236
Developmental disabilities	135
Mild to moderate mentally handicapped	112

*Data obtained from PELSB (2019, pp. 11-12).*

In addition to teachers, education support professionals (ESPs) are a vital part of the special education workforce. It is unfortunate that no state agency provides an ongoing and accurate count of ESPs. The Minnesota State Report Card identifies 20,304 educators, 16.6% of public school employees in the 2018-19 school year, as ESPs. We can hypothesize that many of these individuals are working with special education students. However, the state needs to better account for the valuable work of Minnesota’s ESPs. Policymakers should know how districts are utilizing ESPs as well as what districts struggle to recruit ESPs.

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It is much easier to offer demographic information about the special education student population in Minnesota. Districts and state agencies keep ongoing, accurate counts of which students qualify for special education services. Financial accounting reports provide the most up-to-date accounting about student demographics. The Minnesota House of Representatives non-partisan research department released a 2018 summary of school finances for all legislators that provides the most accurate numbers to date. According to House researchers, we know there are “a total of 142,270 students, or roughly 16.5 percent [of the total student population], receive some special education services” (Strom, November 2018, p. 57). Minnesota House researchers also provided the most accurate data on the special education population by disability category. We have provided those numbers in Chart 10.2.

CHART 10.2: MINNESOTA SPECIAL EDUCATION STUDENT POPULATION BY DISABILITY CATEGORY

CATEGORY	NUMBER OF STUDENTS
Speech language impaired	22,186
Developmentally cognitive disability, mild-moderate	5,494
Developmentally cognitive disability, severe-profound	1,960
Severely multiple impaired	1,511
Physically impaired	1,606
Hearing impaired	2,553
Blind/visually disabled	503
Specific learning disabilities	32,332
Emotional behavior disorder	15,983
Deaf/blind	103
Other health impaired	19,781
Autism spectrum disorder	19,386
Traumatic brain injury	455
Early childhood developmentally delayed	18,417

Data obtained from Strom (November 2018) pp. 57-58.

# Opportunities for Change

## OPPORTUNITY #1: FULLY FUND SPECIAL EDUCATION

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**Special education is not a category that takes money from general education, and the term cross-subsidy creates a problematic division between different parts of the public school system. All students are part of a school community, and lawmakers should provide all students the resources they need.**

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Lawmakers can make the biggest change by providing much needed funding for special education. Most policy advocates and experts use the term “cross-subsidy” to discuss the budget shortfalls LEAs face to meet the costs of special education. We encourage lawmakers and others to quit using this term. Special education is not a category that takes money from general education, and the term cross-subsidy creates a problematic division between different parts of the public school system. All students are part of a school community, and lawmakers should provide all students the resources they need. In addition, when schools are providing much more inclusive environments, there should be less division between services. We will use the term cross-subsidy at times in this section for the sake of clarity. However, it is important that we all quit thinking in terms of special education funding vs. general education funding.

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**Funding special education is not an easy task, but it presents the greatest opportunity to make material, immediate differences in the lives of Minnesota’s students with disabilities.**

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Funding special education is not an easy task, but it presents the greatest opportunity to make material, immediate differences in the lives of Minnesota’s students with disabilities. Any steps to lessen the financial burden placed on LEAs will benefit not only special education students but also all students in Minnesota. The funding shortfalls in Minnesota are the result of underfunded promises at the federal and state level. We explain this opportunity by (1) defining the cross-subsidy, (2) explaining the role of the federal government in special education funding, and (3) highlighting specific funding challenges unique to Minnesota.

The cross-subsidy is the amount of money needed to cover the cost of special education not met by federal and state revenue streams. The Minnesota Department of Education (MDE) (July 2018) accurately described the cross subsidy and special education funding by writing:

Expenditures for special education programs provided by local education agencies, including school districts, charter schools, intermediate school districts and special education cooperatives, are funded with a combination of state categorical aids, federal categorical aids, third-party billing revenues and state and local general education revenues. **The special education cross-subsidy measures the difference between special education expenditures and corresponding revenues.** (p. 4)

In sum, Minnesota schools fund special education services through federal and state dollars, but these revenue streams do not meet the total dollar amounts required to provide a FAPE to all students identified with disabilities. Chart 10.3 shows the total amount of state expenditures, as well as future predictions on expenditures, for special education services in Minnesota.

CHART 10.3: SPECIAL EDUCATION APPROPRIATIONS

FISCAL YEAR	REGULAR SPECIAL EDUCATION AID	SPECIAL EDUCATION EXCESS COST	HOME-BASED SERVICES TRAVEL AID	SPECIAL PUPIL AID	COURT-PLACED AID	OUT-OF-STATE TUITION
2019	\$1,428,020,000	—	\$532,000	\$1,830,000	\$47,000	\$250,000
2018	\$1,340,706,000	—	\$508,000	\$1,597,000	\$46,000	\$250,000
2017	\$1,247,107,000	—	\$435,000	\$1,516,000	\$48,000	\$250,000
2016	\$1,183,807,000	—	\$422,000	\$1,307,000	\$47,000	\$250,000
2015	\$1,111,641,000	—	\$346,000	\$1,674,000	\$55,000	\$250,000
2014	\$1,038,465,000	\$42,016,000	\$351,000	\$1,548,000	\$54,000	\$250,000

*For fiscal year 2015 and later, the appropriation for excess cost aid is included in the regular special education aid appropriation. Source: Home Resource Department (Strom, November 2018, p. 60).*

**Public school districts in Minnesota had to find over \$707 million to meet the financial gaps left by the federal and state governments. Many times, this required those districts to pull earmarked money from their general funds leaving funding gaps in other parts of their educational programs.**

The cross-subsidy is not a recent problem for Minnesota schools. It has existed as long as the state has been in the business of providing services for students identified with disabilities. Advocates, parents, educators, and school districts have drawn significant attention to this growing budgetary concern, but the cross-subsidy gets larger every year. In addition, the

cross-subsidy disproportionately burdens different regions more than others. Chart 10.4 breaks down the cross-subsidy statewide and by geographic area. As shown by Column F, public school districts in Minnesota had to find over \$707 million to meet the financial gaps left by the federal and state governments. Many times, this required those districts to pull earmarked money from their general funds leaving funding gaps in other parts of their educational programs.

CHART 10.4: MINNESOTA'S SPECIAL EDUCATION CROSS-SUBSIDY BY REGION

DISTRICT	(A) ADJUSTED PU	(B) SPECIAL EDUCATION EXPENDITURE	(C) CATEGORICAL REVENUE	(D) GROSS CROSS-SUBSIDY (B-C)	(E) ADJUSTED GENERAL EDUCATION REVENUE FOR SPECIAL EDUCATION	(F) ADJUSTED NET CROSS-SUBSIDY (D-E)	(G) PER WADM
Totals	934,686	1,917,310,562	1,102,151,023	815,159,540	107,270,822	707,888,718	757.35
By stratum							
Minneapolis and St. Paul	77,932	227,019,005	113,792,019	113,226,986	18,173,463	95,053,523	1,219.69
Other metro, inner	97,379	202,159,768	99,810,904	102,348,864	14,264,495	88,084,369	904.56
Other metro, outer	296,239	604,159,083	334,208,389	269,950,694	33,663,475	236,287,219	797.62
Non-metro > = 2k	206,641	431,531,807	248,263,374	183,268,434	24,004,207	159,264,226	770.73
Non-metro 1k-2k	104,128	178,379,607	103,648,407	74,731,200	8,132,774	66,598,426	639.58
Non-metro < 1k	94,785	151,827,912	87,781,469	64,046,443	6,908,724	57,137,718	602.82
District totals	877,104	1,795,077,182	987,504,562	807,572,620	15,147,138	702,425,481	800.85
Charter schools	57,583	122,233,381	114,646,461	7,586,920	2,123,683	5,463,237	94.88

Reprinted from (Minnesota Department of Education, July 2018, p. 13).

The cross-subsidy is not the fault of school districts, administrators, parents, or educators. It is a problem caused by federal and state policymakers. The primary blame lies with the U.S. Government because lawmakers continue to break promises to fund the IDEA. The National Council on Disability (NCD) issued the most recent and comprehensive explanation of the federal government's failure to fund special education in its report *Broken Promises: The Underfunding of IDEA* (2018). In the opening of this report, NCD reminded lawmakers that:

In 1975, when Congress passed the first iteration of the Individuals with Disabilities Education Act (IDEA) mandating that all children with disabilities be provided a free appropriate public education in the least restrictive environment (LRE), it also promised states the Federal Government would provide 40 percent of the average per pupil expenditure to help offset the cost of educating eligible students. In the nearly 43 years since the law's passage, Congress has never lived up to that funding promise. (p. 12)

Congress has reauthorized the IDEA and changed the calculation of the funding formula, but lawmakers have never removed the promise of providing states 40% of the funding needed to educate students with disabilities. Unfortunately, promises do not pay the bills. As NCD (2018) recently reported, “The Federal Government pays less than half of what it originally promised in 1975, or roughly 18 percent of the total” (p. 13).

State governments and LEAs bear an important responsibility of finding 60% of the funds needed to educate students in special education (IDEA Full Funding Coalition, June 2017). However, the failures of federal lawmakers unfairly adds to their responsibility and leads to problematic funding decisions for many schools. States and districts must find 82% of the required funds to educate students in special education In 2017, a wide range of education stakeholders joined to create the IDEA Full Funding Coalition.<sup>3</sup> This group of unions, administrative groups, and advocacy groups issued a joint statement to congress stating that:

The chronic underfunding of IDEA by the federal government places an additional funding burden on states, local school districts, and taxpayers to pay for needed services. This often means using local budget dollars to cover the federal shortfall, shortchanging other school programs that students with disabilities often also benefit from. (IDEA Full Funding Coalition, June 2017)

It is unacceptable that states and LEAs must find ways to fund special education by removing funds from other programs to cover the unfulfilled promises of the federal government.

Lawmakers should also be aware that states and LEAs are also using other mechanisms, beyond redistributing already earmarked funds, to meet the growing costs of educating students with disabilities. NCD (2018) stressed:

The method local districts use to cope with the lack of federal funding to support special education and related services is Medicaid...According to a 2017 report by the AASA, 54 districts rely on Medicaid to pay for nurses, therapists, and other key personnel that provide IDEA services for students with disabilities, as well as equipment and technology. IDEA-eligible students and others benefit from Medicaid’s Early and Periodic Screening, Diagnostic, and Treatment, which provides screenings and treatments for things such as immunizations, hearing and vision problems, developmental delays, and more. (p. 37)

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3 *This coalition includes: The School Superintendents Association; American Council for School Social Work; American Federation of State, County & Municipal Employees; American Federation of Teachers; American Music Therapy Association; American Occupational Therapy Association; American Physical Therapy Association; American Psychological Association; American Speech-Language-Hearing-Association; Association of School Business Officials; International Association of Educational Service Agencies; Clearinghouse on Women’s Issues; Council of Administrators of Special Education; Council of Great City Schools; Council for Exceptional Children; Council for Exceptional Children (Teacher Education Division); Council of Parent Attorneys and Advocates; Higher Education Consortium for Special Education; Learning Disabilities Association of America; National Association of Elementary School Principals; National Association of Secondary School Principals; National Association of Social Workers; National Association of School Psychologists; National Association of State Directors of Special Education; National Center for Learning Disabilities; National Center for Transgender Equality; National Disability Rights Network; National Down Syndrome Congress; National Education Association; National PTA; National Rural Education Advocacy Consortium; National Rural Education Association; National School Boards Association; School Social Work Association of America; Software & Information Industry Association; TASH; The ARC of the United States*



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**“One national association reported that its therapists spend 25 to 35 percent of their time on Medicaid paperwork—time that could be spent serving students.”**

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We are not faulting LEAs for finding new ways to meet their fiduciary responsibilities. We instead point to this as another effect brought about by the failed funding of the federal government. As NCD (2018) noted, “Medicaid provides revenue that districts can use to help fund related services such as speech/language therapy and occupational therapy” (p. 38). However, districts gain new administrative burdens in efforts to obtain these funds and “one national association reported that its therapists spend 25 to 35 percent of their time on Medicaid paperwork—time that could be spent serving students” (National Council on Disability, 2018, p. 38). Educators should not be put in the position of spending less time with students in order to fill out paperwork to make up for the funding failures of the federal government.

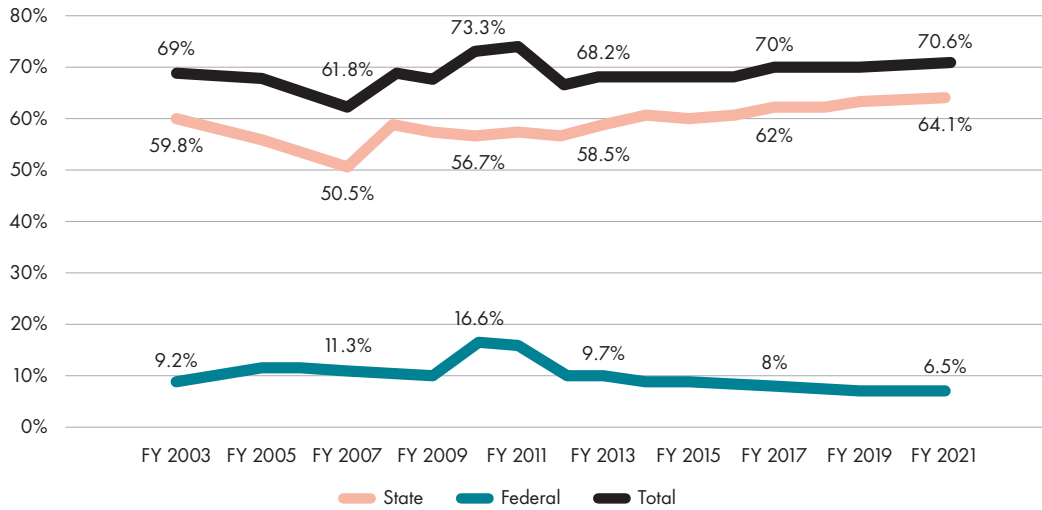
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**“The full impact and potential of IDEA is hard to determine when adequate funding has never been provided by Congress.”**

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The failures of the federal government have burdened Minnesota’s LEAs. Graph 10.1 illustrates the growing burden placed on the state and LEAs to cover the costs left by the federal government. The graph shows that “Since FY 2012, the portion of special education expenditures funded with state aid has gradually increased, while the portion funded with federal aid has gradually decreased” (Minnesota Department of Education, July 2018, p. 10). We worry that this lack of funding can, and has led, to what the NCD (2018) refers to as an “ongoing ‘silo’ approach” (p. 39). In the perspective of the NCD (2018) and other advocacy groups, districts may make tough financial decisions that result in “inappropriate segregation of students with disabilities away from their peers” (p. 39). We also agree with the NCD (2018) argument that “the full impact and potential of IDEA is hard to determine when adequate funding has never been provided by Congress” (p. 39).

GRAPH 10.1: REVENUE STREAMS AND SPECIAL EDUCATION COSTS



Graph reprinted from (Minnesota Department of Education, July 2018, p. 10).

Finally, Minnesota has unique challenges related to special education funding that is directly tied to the process of open enrollment. Minnesota students “may reside in one school district but enroll in another district and receive special education there” (Office of the Legislative Auditor, State of Minnesota, March 2013, p. 66). We understand that each family faces unique circumstances that leads to placing children in specific learning environments. However, Minnesota has yet to create a fair and equitable system that allows students with disabilities to benefit from the promises of open enrollment and receive necessary services without creating unintended financial burdens for resident districts. The OLA (2013) explained the unplanned funding burden caused by the intersection between special education and open enrollment in these terms:

When students receiving special education enroll in a district other than the district in which they live, the law requires enrolling districts to plan and provide special education services, while resident districts must pay for the services. The resident district may have a representative serve on the student’s IEP team but does not control team decisions on levels of service, according to school district representatives we interviewed. As a result, control over spending is largely removed from the resident school district. (p. 66)

We are not arguing that enrolling districts are defrauding resident districts out of money. Instead, we want lawmakers to realize that the costs of educating students with disabilities varies by region and setting. Sometimes the transfer of funds between LEAs creates no additional burden for resident districts. At other times, there are large burdens placed on a resident district that are completely out of their control. The resident district may be able to provide services more efficiently and cost-effectively themselves but end up paying more for another district to do so. This matter becomes even more complicated when we factor in charter school and private school billing. The state of Minnesota faces the joint burden of meeting the failures of the federal government as well as sorting out how open enrollment overburdens some LEAs in unintended ways.

Funding the special education cross-subsidy is the first opportunity for Minnesota lawmakers.

## OPPORTUNITY #2: SPECIAL EDUCATOR ATTRITION

Previous EPIC work has proven that teacher attrition is a significant problem for all levels of E-12 education in Minnesota. In addition, portions of this paper are reviewing ways to improve school and work environments to retain high-quality teachers in all schools. However, we must also stress the special educator attrition is a particular stressor for LEAs across the state. MDE has commissioned several workgroups to try to rebuild the special educator workforce in Minnesota. Other government agencies, like the OLA, have also recommended ways to stop special educators from leaving their positions. State lawmakers should provide support for intentional, evidence-driven programs that will keep highly qualified special educators in their classrooms.

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**State lawmakers should provide support for intentional, evidence-driven programs that will keep highly qualified special educators in their classrooms.**

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MDE's most recent *Teacher Supply and Demand* report presents the stark realities facing hiring officials across the state.<sup>4</sup> Chart 10.5 illustrates that a significant number of LEAs struggle to fill positions in all special education licensure areas. In addition, these same LEAs predicted that they will continue to struggle with hiring in future years. Graph 10.2 and Chart 10.6 show the future hiring struggles as predicted by district hiring officials. Both images show that special education positions are expected to be among the most difficult to fill.

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<sup>4</sup> PELSB's 2019 report that followed the MDE report did not break data down by "hard to fill" licensure areas. However, PELSB does report how many districts resorted to "special permissions" to fill positions in special education. We reported this data in Chart 1.

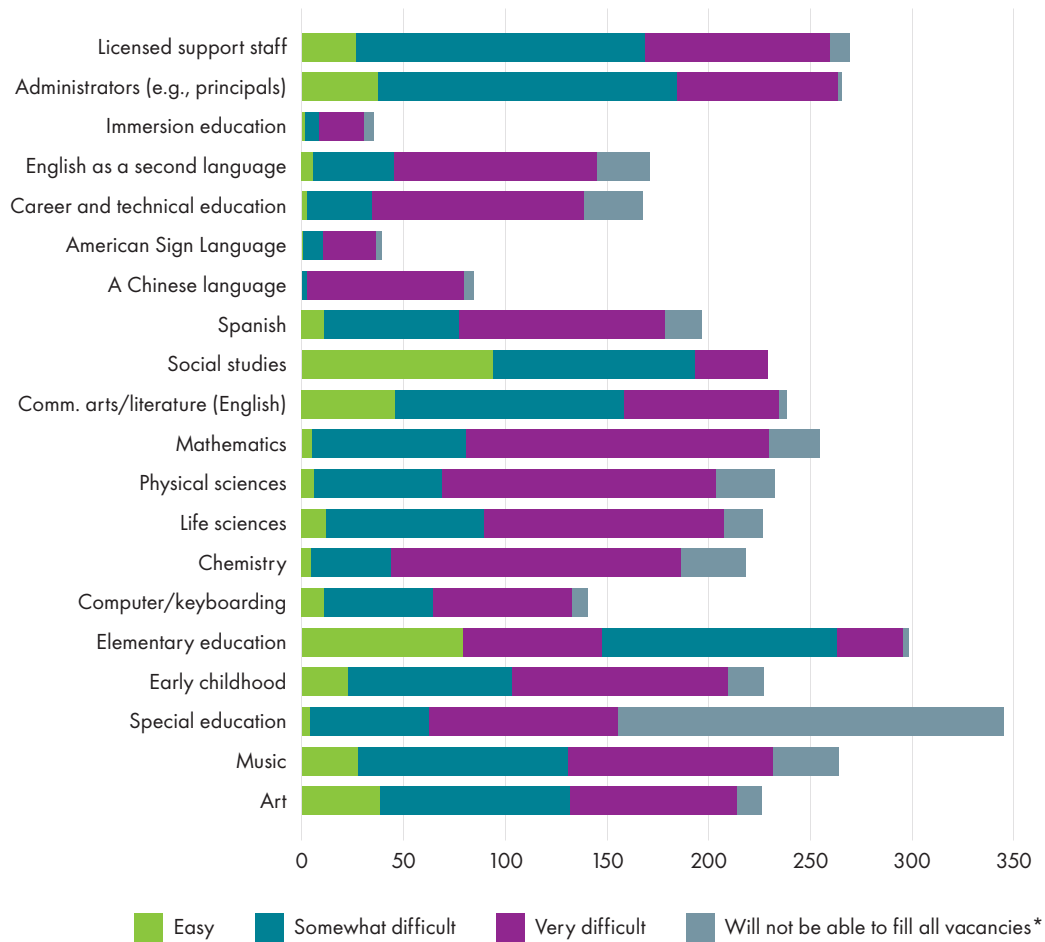
Finally, the numbers reflected in these three images fail to account for the attrition of ESPs. As noted earlier, the state needs more data about why ESPs are leaving special education classrooms. Our members provide anecdotal evidence about ESPs quitting within the first few hours of their employment. However, the state should focus research attention on the problems of retaining ESPs assigned to work with special education students.

**CHART 10.5: SPECIAL EDUCATION HIRING DIFFICULTIES**

ANSWER OPTIONS	EASY	SOMEWHAT DIFFICULT	VERY DIFFICULT	COULD NOT FILL ALL VACANCIES	N/A NO POSITIONS IN THIS DISTRICT OR CHARTER SCHOOL	N/A NO VACANCIES FOR THIS POSITION
Acedemic and behavioral strategist*	14	46	72	17	99	159
Autism spectrum disorders*	11	43	115	37	40	161
Blind or visually impaired*	2	6	50	12	124	213
Career and technical with disabilities	4	13	33	4	129	224
Deaf or hard of hearing*	3	15	45	12	106	226
Developmental /adaptive physical education*	15	36	42	12	59	243
Developmental disabilities*	13	56	100	22	28	188
Emotional behavior disorders*	16	65	130	54	10	132
Physical and health disabilities*	11	27	56	11	50	252
Special education director	32	31	34	1	66	243
Speech-language pathologist*	15	47	85	23	31	206
Special education early childhood*	15	40	78	16	65	193
Specific learning disabilities*	18	72	89	35	21	172

\*Denotes licensure area included on the Federal Shortage Report. Chart 10.5 reprinted from (Minnesota Department of Education, 2017, p. 26).

GRAPH 10.2: EXPECTED LEVEL OF DIFFICULTY IN HIRING TEACHERS WITHIN THE NEXT FIVE YEARS



Graph 10.2 reprinted from (Minnesota Department of Education, 2017, p. 32).

CHART 10.6: PREDICTIONS OF FUTURE HIRING PRACTICES FOR LEAS

ANSWER OPTIONS	EASY	SOMEWHAT DIFFICULT	VERY DIFFICULT	WILL NOT BE ABLE TO FILL ALL VACANCIES *
Art	38	94	82	12
Music	28	103	101	8
Special education	4	58	190	93
Early childhood	23	81	106	18
Elementary education	118	145	33	3
Computer/ keyboarding	11	54	67	8
Chemistry	5	39	143	32
Life sciences	12	78	118	19
Physical sciences	6	63	135	29
Mathematics	5	76	149	25
Communication arts and literature (English)	46	113	76	4
Social studies	94	100	36	0
Spanish	11	67	102	18
American Sign Language	1	10	26	3
Career and technical education	3	32	104	29
English as a second language	6	40	100	26
Immersion education	2	7	22	4
Administrators (e.g., principals)	38	147	79	2
Licensed support staff	27	142	91	10
Staff with multiple licenses	5	68	177	44

\*100. Chart 10.6 reprinted with permission from (Minnesota Department of Education, 2017, p. 32).

## OPPORTUNITY #3: EDUCATOR WORK ENVIRONMENTS AND STUDENT SERVICES

Minnesota has made several incomplete gestures at improving the work life and school environment for educators and students in special education. Countless opportunities and options exist for lawmakers. However, we choose to focus on one important concern for teachers, caseload limits, and one important concern for students, disproportionality in identification, that could greatly improve special education in the state.

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**The answers will lie in local communities. The state should facilitate the ability for LEAs to create ways to reduce the work stress of educators in special education.**

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First, Minnesota has approached the caseload/workload of special educators from many angles. Unfortunately, caseloads look different and require different time based on diagnosis and student location. The OLA (2013) correctly argued, after interviewing several stakeholders, that

caseload rules do not take into account current classroom conditions, and a simple headcount does not necessarily indicate the size of teachers' workloads. Some educators said students have more needs than they did in the past. Several advocates agreed, adding it may be better to help manage teachers' *workload*, not their *caseload*. (p. 103)

Minnesota's special educators carry tremendous caseloads and administrative responsibilities. Many educators complain that they do not have time to spend with their students. Unfortunately, there is not a single answer to solve this challenge at the state level. Districts are required to adopt a board approved workload limit policy for students receiving 60 percent or less direct daily SPED service, and some LEAs and local bargaining units have come to productive compromises. Others have failed to reach consensus. We do not believe the state needs to call for another study group, but we do see a conversation about caseloads as an important opportunity to improve conditions for educators and students. In many cases, the answers will lie in local communities. The state should facilitate the ability for LEAs to create ways to reduce the work stress of educators in special education.

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**Researchers have proven that students of color, especially Black males and Black females, are frequently: (1) identified as needing special education when in fact that may actually qualify for gifted programs or (2) denied services that could improve their experience in school. This is a structural problem. It is not the fault of any one group or actor.**

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Second, the state can improve the school experience of students by having a serious conversation about racial disproportionality as it relates to special education equity. Researchers have proven that students of color, especially Black males and Black females, are frequently: (1) identified as needing special education when in fact that may actually qualify for gifted programs or (2) denied services that could improve their experience in school. Also, many students might be gifted and require special education services. This is a structural problem. It is not the fault of any one group or actor. White students are more likely to receive a correct diagnosis than their peers of color. Donovan and Cross (2002) have argued:

who is classified as disabled or gifted at a point in time is in part a function of the diversity of students and the issues that diversity poses for general education. But it is also a function of social policy, the scientific and philosophical understandings that guide it, and the resource allocation that is determined by it. (p. 25)

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**“Disproportionality in special education can be viewed as both an outcome of structural inequality and as part of broader practices that disadvantage racial minorities, especially if services result in less access to the curriculum and fewer learning opportunities.”**

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Cooc (2018) has also argued “disproportionality in special education can be viewed as both an outcome of structural inequality and as part of broader practices that disadvantage racial minorities, especially if services result in less access to the curriculum and fewer learning opportunities” (p. 3). We know that implicit bias, cultural difference, and structural racism skew the identification of students of color needing special education services. This is a serious problem for the students of Minnesota, and this is another opportunity for lawmakers to improve the quality of special education in the state.



This conversation is critical for the future of special education students. We agree with Donovan and Cross (2002) who

recognize the paradox inherent in a charge that posits disproportionate placement of minority students in special education as a problem. The same program that can separate disadvantaged students from their peers, distinguish them with a stigmatizing label, and subject them to a curriculum of low expectations can also provide additional resources, supports, and services without which they cannot benefit...disproportionality in eligibility for special education may not be problematic when the effect is to enhance opportunity to learn and provide access to high-quality curriculum and instruction. However, disproportionality is a problem when it stigmatizes or otherwise identifies a student as inferior, results in lowered expectations, and leads to poor educational outcomes such as dropping out, failure to receive a meaningful diploma, or diminished chances of moving to productive postschool endeavors. (p. 20)

Special education, like all other branches of the E-12 system, faces equity problems. The state must convene the right voices and seize the opportunity to improve the lives of all students in special education, especially students of color.

## Potential Solutions

We now conclude with six groups of solutions Minnesota lawmakers can use to start improving special education services for all students and educators. These six will not seize every opportunity available to lawmakers. However, they are a good place to start. Minnesota lawmakers should:

### SOLUTION #1: JOIN A FEDERAL COALITION TO ADVOCATE FOR FULL FUNDING OF IDEA.

Minnesota needs to pressure the federal government to meet its budgeting promises for funding special education. This is the only way Minnesota will be able to meet the shortfalls facing LEAs across the state. Lawmakers should follow the recommendations of the NCD (2018) and advocate for increased federal “funding to the maximum authorized amount” (p. 9). Lawmakers could start by supporting the efforts of the before mentioned IDEA Full Funding Coalition.

Minnesota lawmakers and education stakeholders can start by asking the Minnesota Congressional delegation to reintroduce and help pass H.R. 4602 from the 115th U.S. Congress. Representative Tim Walz, who now serves as the 41st Governor of Minnesota, was an original sponsor and champion of this bill. If passed, the legislation would allow the federal government to increase aid on an incremental basis in order to reach the 40% funding promise.

## SOLUTION #2: IMPROVE SOME MINNESOTA PAPERWORK REQUIREMENTS THAT EXCEED FEDERAL STATUTE.

It is a known fact, documented by the OLA (2013) report on special education, that Minnesota has several paperwork requirements that go beyond what is required by the federal government. This is contributing to teacher burnout. One educator told the OLA (2013) researchers that “she had recorded her time to write evaluations for four students; she tallied having worked eight out of nine weekends for a total of 28.5 extra hours and 63 hours during the intervening weeks to complete the evaluations” (p. 98). State lawmakers need to review the several state agency recommendations about reducing administrative burdens put on educators.

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**Paperwork is important and necessary because it provides a window for parents to see what is happening while their children are at school. However, there are several requirements put on teachers by the state that do not increase the size of that window. Instead, they produce redundant information and take special educators away from students.**

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We want to be very direct with this argument. We believe paperwork is important and necessary because it provides a window for parents to see what is happening while their children are at school. However, there are several requirements put on teachers by the state that do not increase the size of that window. Instead, they produce redundant information and take special educators away from students.

There are many ideas about how to reduce state requirements that add to the requirements of the federal IDEA. Eliminating short-term objectives (STO) would be the first place to start the process of decreasing the paperwork burden placed on special educators. The 2013 OLA report on special education confirms that STOs are unnecessary and time consuming. Educators from across the state told researchers with the OLA (2013) the following:

- STOs “lead to unnecessary busy work” that increases the bureaucratic burdens put on teachers” (p. 97).
- STOs dramatically increase the workload of our special educators for little gain. The OLA researchers documented that, “One teacher said when a student has four or five long-term goals with at least two short-term objectives for each, it equates to a lot of writing that does not necessarily help the students” (pp. 97-98).
- The elimination of STOs would have “no major impacts” if they were removed from state requirements (p. 98).

Unnecessary paperwork burdens are leading to teacher burnout and adding to the teacher attrition problems. Paperwork is very important but some requirements are redundant and cumbersome and provide very little, if any, new information for families. Eliminating STOs is a strong first step to lifting a burden facing special educators.

### SOLUTION #3: IMPLEMENT SOME OF THE RECOMMENDATIONS FROM THE 2013 OLA REPORT ON SPECIAL EDUCATION.

In 2013, the OLA provided a valuable and comprehensive analysis of special education services in Minnesota. We have cited many of their recommendations throughout this section on special education. We encourage state lawmakers to review the findings. We agree with the OLA (2013) researchers that “changes are needed in special education to increase equity in its funding, help control costs while meeting student needs, and ensure local education agencies [comply] with legal requirements without creating undue workload burdens for them” (p. ix).

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**“Changes are needed in special education to increase equity in its funding, help control costs while meeting student needs, and ensure local education agencies [comply] with legal requirements without creating undue workload burdens for them.”**

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We do not completely agree with all of the OLA’s (2013) recommendations. However, we think the state should start by reviewing the agency’s following ideas:

- The Legislature should consider modifying laws that require school districts to pay special education costs of students who choose to enroll outside their resident districts (p. 67).
- The Minnesota Department of Education should evaluate its monitoring process to identify ways to improve special education teachers’ understanding of compliance requirements (p. 79).
- The Minnesota Department of Education should continue its efforts to streamline paperwork required in special education and also evaluate the effectiveness of districts’ paperwork reduction strategies to encourage additional efficiencies (p. 100).

#### SOLUTION #4: FUND A STATEWIDE, ONLINE IEP SYSTEM.

The state Legislature must fund the statewide, online IEP system, and MDE must make the system available to all districts at no cost. The Legislature already authorized MDE to seek RFPs to build this program. Then, the Legislature stripped funding for this system. Online IEP systems “increase access to documents for multiple service providers, allow teachers to maximize work time and generate reports of student progress, and help school districts maintain compliance with laws and regulations” (More & Hart, 2013, p. 24). An online IEP system would also allow districts to share information about transferring students more easily. Currently, districts must enter into their own contracts with online IEP providers. This is more of a financial burden for smaller, rural districts than it is for large districts. All districts should have free access to a single system that streamlines the sharing of student information across the state.

#### SOLUTION #5: HIRE AND TRAIN MORE ESPs FOR SPECIAL EDUCATION CLASSROOMS.

Education support professionals play critical roles in special education classrooms. Hagaman and Casey (2018) found that special education teachers, especially those in their first year, relied on the knowledge and help of ESPs. Unfortunately, most districts do not have the funds to hire enough ESPs, and all districts lack funding to provide special education ESPs paid professional development. Many ESPs walk off the jobs due to a lack of training, and this leads to high attrition costs for districts and poor classroom environments for students and teachers. The state Legislature should revisit the bills that create a statutory requirement that all ESPs receive 16 hours of paid professional development. That preparation could decrease attrition and save money on the back end for districts.

## SOLUTION #6: TARGETED POLICY INTERVENTIONS.

Solutions 1-5 speak to systemic problems in special education. Lawmakers can also make a big difference by introducing legislation to target specific issues facing educators and students. They include:

1. Increase public awareness of fetal alcohol syndrome (FAS). Many special education students with FAS incorrectly carry EBD diagnoses. Early identification of FAS can greatly improve the interventions educators provide to students and families.
2. Increase funding and efforts to educate all students in the least restrictive environment possible.
3. Increase funding to coordinate state collaboration among schools, community services, and groups working with Indigenous populations. Many Native American students in Minnesota are in special education programs, and state agencies need to facilitate greater collaboration among agencies and communities to ensure all students are receiving both a proper diagnosis and proper services.
4. Increase measures to help special educators facing compassion fatigue. Many special educators leave the profession due to intense burnout.
5. Increase funding for professional development that allows educators to bridge the special education/general education divide. Students benefit from multidisciplinary teams of educators working in collaboration.
6. Provide all LEAs with funding to create assessment teams. Licensed educators assisting other licensed educators with due process paperwork reduces burnout. Teachers assisted by assessment teams also have more time to spend on direct student contact.
7. Increase efforts to hire more teachers and ESPs of color to work in special education.
8. Provide funding to increase parent awareness of special education services before kindergarten. Many students would greatly benefit from an earlier diagnosis and intervention.
9. Pass legislation preventing Tier 1 teachers from working in Level IV self-contained special education settings. It is dangerous and irresponsible to allow adults without special education training to work with Minnesota's most at-risk students.
10. Provide all LEAs, especially in greater Minnesota, with access to adequate facilities to provide all students, especially students in special education, with a FAPE.
11. Fund quality, paid professional development for all ESPs working in special education



# Concluding Thoughts

Special education needs serious policy interventions. We have offered places state leaders can begin to correct the harm caused by past legislative acts.

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