

Special Education Staffing Shortages Guidance

Introduction

Individualized education program (IEP) teams should carefully consider the needs of the student when developing an IEP. As the team reviews the data and determines services are necessary, the team should clearly communicate services within the service delivery plan (refer to the service delivery guidance for more info). The IEP team's decisions should be driven by the data and needs of the student. Staffing availability or shortages should not influence or impact IEP team decisions, even when there is a known shortage or vacancy. This guidance is intended to provide schools with considerations and strategies for providing IEP services in the event of staffing shortages.

Considerations

Section 300.317 of the Individuals with Disabilities Education Act (IDEA) implementing regulations defines a free and appropriate public education (FAPE) as special education and related services that:

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324.

The IDEA does not have any provisions that alter FAPE requirements during widespread staffing shortages. IEP team decisions should be based on student data, not on staffing or resources. Therefore, there may be times that the IEP team knows one or more of the services needed may not be provided until the additional staff is hired. Yet, *the IEP service delivery plan should still reflect the needed services.*

Typically, during the IEP meeting, the team determines the necessary services and then plans how and when to meet the services. When the team has identified a needed service and knows that there is currently no provider available, they should clearly and transparently communicate with the parent(s). Furthermore, the IEP team should plan to reconvene once a provider is hired or within a reasonable and agreed-upon timeframe to

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discuss the impact of the missed services and the potential need for compensatory services¹.

Strategies

Providing FAPE may be difficult in the event of widespread shortages of qualified personnel and service providers. *Staffing shortages do not permit districts or schools to use unqualified staff to perform functions for which they are not qualified.* There are multiple efforts at the state, teacher preparations program, and district levels to reduce and eliminate shortages. Despite these efforts, some IEP services may be impacted by staffing shortages.

Clear communication to families about current shortages and the plans for hiring can mitigate misunderstandings or stress. The following are additional strategies to help mitigate the effect of staffing shortages.

<p>Partner with educator preparation programs to secure interns, student teachers, and/or graduate students. The licensed educator should be the person overseeing and facilitating the interventions; however, interns and student teachers can provide additional practice and support within the class so the staff can prioritize intervention services.</p>	<p>Revise the master schedule to create grade band schedules. For example, kindergarten through third will teach English language arts during the same 90-minute block of the day. The ability to group students across multiple grades reduces the number of small groups a special education professional is facilitating each week, thus increasing capacity.</p>	<p>Offer incentives or different pay schedules for hard-to-fill positions. Districts may want to consider incentives that reduce the workload or increase employee satisfaction. For example, providing classroom space for itinerant teachers, flexible schedules, yearly stipends, or different pay schedules.</p>
<p>Partner with neighboring districts. Specialized services that do not require a full-time professional are often a challenge. Creating a partnership with blended</p>	<p>Contract for services while seeking quality applicants or completing hiring processes. Private agencies may be able to provide interim IEP services to</p>	<p>Leverage Grow Your Own Programs or educator preparation program partnerships to provide current staff with the professional training</p>

¹ Compensatory services are intended to elevate a student to the level expected had the services not been delayed or postponed.

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<p>funds to provide the benefits of full-time employment can be a strong incentive for applicants.</p>	<p>students to mitigate regression. When considering a third-party provider, or alternative delivery model, such as virtual services, LEAs must ensure that the services are provided in the student's least restrictive environment.</p>	<p>needed to secure licensure in a needed area of expertise. Also, a district may choose to begin a new Grow Your Own Program. <i>For more information, visit the Grow Your Own webpage and Educator Preparation webpage.</i></p>
<p>Plan IEP services monthly instead of weekly. Monthly service delivery is one option for creating increased service delivery flexibility throughout the week for staff to attend meetings, evaluate students, or address crisis situations. While consistent and predictable services is best, finding options for providing services at least monthly may mitigate the impact. This decision should be individualized based on the student's needs.</p>	<p>Provide compensatory education as a remedy for missed services or denial of FAPE. A district faced with a staff shortage is making the right decision to include the needed services on an IEP even when it is impossible to provide the services immediately. Compensatory services can be provided once the professionals are hired, or outside the school day.</p>	<p>Recruit retired, qualified staff to work up to a 120-day schedule. Leveraging retired staff to provide services while recruiting or engaging staff in a licensure program can ensure students receive the services without delay or disruption. The contracted individual does not have to commit to a full-time or consistent schedule, but rather can be adjusted to meet the needs of both the district and the retired personnel.</p>

Staffing shortages are a complex and widespread concern. Clear, timely communication with families can reduce stress and frustration. Compensatory services or other efforts to compensate for services missed while hiring are equitable, honest approaches to supporting students within the confines of the district's resources. *More information on compensatory services can be found ([here](#)).*