

Paperwork Reduction Action Team-MARSE/IDEA Subgroup Recommendations

In the Fall of 2022, OPTIMISE convened a large group of varying perspectives about special education. The purpose of this group was to identify barriers to attracting, preparing and retaining special educators. One of the barriers identified by this group was the overburdensome paperwork that special educators face. As a result, OPTIMISE convened an action team to look at paperwork reduction. The OPTIMISE Paperwork Reduction Action Team aims to identify excess burdens for special education personnel which when reduced or eliminated will provide more time to assess, design and deliver instruction to improve outcomes for individuals with disabilities and will assist with retention of special educators.

This action team examined the current use of technology to streamline documentation and universal training to increase understanding of documentation content. In addition, the OPTIMISE Paperwork Reduction Action Team identified provisions of the MARSE rules, IDEA, MDE-OSE guidance, and application by MDE-OSE of rules and guidance that leads to increased paperwork by member districts and ISDs resulting in educator burden and the potential for lost educational opportunities for students. Taken together, and implemented with a deeper understanding of requirements imposed at both the local and regional levels, these recommendations have the ability to increase the time educators have to focus on teaching and learning which in turn should increase special educator retention.

The following are recommendations of the Federal Regulations (IDEA) and State Rule (MARSE) comparison subgroup within the OPTIMISE Action Team. It is not intended that the Michigan Department of Education defend each example but rather consider these examples as concerns from the field that demonstrate the need for a more collaborative approach to meeting the requirements of IDEA and MARSE.

Recommendations:

1. MARSE exceeds IDEA requirements in several key areas. The MDE/OSE should convene a stakeholder group to consider amending MARSE to streamline processes and ease the burden on districts in a manner that does not affect delivering quality services to individuals with disabilities in Michigan. Examples for consideration include:
 - a. MARSE requires that a physician is a MET member for certain eligibility categories, including OHI. IDEA does not require that a physician be a part of the evaluation team. Consideration should be given to a change that would only

require a physician's diagnosis/input but the physician would not be part of the MET. The MET would be required to consider this input when making a recommendation of eligibility. To what degree is a physician necessary and helpful in making a MET determination? To what degree does requiring a physician increase the paperwork burden for special educators?

- b. MARSE requires measurable goals and short-term objectives (STO); while IDEA requires short-term objectives only for students who take the alternate assessment. To what degree do short-term objectives enhance/hinder student outcomes and add a paperwork burden for special educators that interferes with student outcomes?
 - c. When a parent requests an independent educational evaluation (IEE), MARSE requires a response by the district within 7 calendar days; IDEA does not identify a timeline. Consideration should be given to changing this to 7 school days as this is a more realistic timeline while still protecting the rights of families for a timely response. To what degree are specific timelines within MARSE helpful/hindering to districts to ensure they meet the requirements of IDEA? To what degree does a calendar requirement for response increase the paperwork burden for special educators?
 - d. Deviations are not mentioned in IDEA. MDE allows deviations only in limited circumstances, after a cumbersome process, and only for the duration of a school year. The process for deviating from a MARSE Rule should be streamlined. To what degree does the deviation process increase paperwork for districts/ISDs? What would help to alleviate this specific paperwork burden yet achieve the goals of the deviation process?
2. MDE-OSE, in collaboration with LEAs and ISDs, should collaborate to continuously improve the implementation and monitoring of IDEA regulations. MDE should convene a stakeholder group such as the previous Monitoring Advisory Team (MAT) and include a range of perspectives, including parents, that are needed. Consideration of the following would be helpful:
- a. IDEA Reg 34 CFR 300.114 specifies "states must have in effect policies and procedures to ensure LEA compliance with 34 CFR 300.115-120." The MDE does not currently have policies and procedures to ensure compliance within all areas of 34 CFR 300.115-120. To what degree do LEAs and ISDs contribute/desire to contribute to the development of state policies and procedures? To what degree does the lack of policies and procedures from MDE contribute to a paperwork burden for special educators?
 - b. MDE-OSE is focusing time and resources into LRE Capacity Building. To what degree is the FAPE in the LRE capacity building activity supporting ISDs and LEAs with their implementation of IDEA requirements and improving outcomes for students with disabilities? To what degree is this capacity building looking at

students in the most restrictive placements? Does this activity provide the necessary results to improve outcomes for students with disabilities? Is the potential burden of this work resulting in outcomes for students that are worth the cost of staff time.

- c. MDE-OSE guidance complicates the evaluation process by overstating the role of a REED, which has caused confusion in the field. A REED is not a separate meeting or form. Instead, a REED is a part of the evaluation process itself. MDE-OSE should consider clarifying guidance around the required use of a REED. To what degree is the implementation of the MDE-OSE REED guidance adding unnecessary paperwork and a burden on staff?
3. Within Part 8 Complaints and Monitoring, are the corrective actions in line with the seriousness of the noncompliance. To what degree do the Part 8 Complaints and Monitoring increase the paperwork burden for ISDs and LEAs without a commensurate benefit to students? MDE-OSE, in collaboration with LEAs and ISDs, should collaborate to continuously improve the implementation and monitoring of IDEA regulations. MDE should convene a stakeholder group such as the previous Monitoring Advisory group and include the range of perspectives, including parents, that are needed. Below are a few examples in which there are questions about the burden without commensurate benefit to students:
- a. What documentation is necessary, per IDEA and MARSE, for accommodations?
. Documentation of each incident versus demonstration of good faith effort?
 - b. A State Complaint final decision required 6 hours of training for “child find in private schools” to all special education staff by the ISD. Do all staff need to be involved in that or those who are responsible for evaluations?
 - c. A State Complaint final decision required a review of files for all “similarly situated” students (which led to a review of 295 IEPs, which took 3 days with 5 ISD staff and 4 MDE staff). This review resulted in an additional Part B CAP with an additional 16 hours of training for all special education and administrative staff by the ISD and MDE. Was 16 hours necessary to achieve the understanding needed by staff?
 - d. A State Complaint decision found a minor procedural violation with no resulting denial of FAPE to the student. MDE-OSE required all special education and administrative personnel to attend a full-day virtual special education boot camp – the equivalent of 600 to 800 hours of staff time. The noncompliance could have been explained and addressed through a reminder email or a 5-minute conversation at a staff meeting. Was this amount of time necessary to achieve the desired outcome?
 - e. A State Complaint decision found compliance issues for student discipline. The District was ordered to revise procedures and train staff. The District relied on

MDE-OSE guidance and provided staff training. MDE-OSE concluded that the District could not rely on MDE-OSE guidance and was required to write its own guidance and re-train staff. The end result was duplicative staff training and hundreds of hours of lost instructional time for students. To what degree can ISDs/LEAs use MDE-OSE guidance as their own guidance with member districts?

4. MDE should audit its guidance documents and make clear which items are requirements from MARSE, IDEA, or other state/federal statutes and which are considered best practices. MDE-OSE, in collaboration with LEAs and ISDs, should collaborate to continuously improve the implementation and monitoring of IDEA regulations. MDE should convene a stakeholder group such as the previous Monitoring Advisory Team (MAT) and include the range of perspectives that are needed. Examples:
 - a. The 12-page alternate assessment guidance is not based on IDEA regulations or state or federal rules. Is 12 pages necessary? Is this a best practice? To what degree must MDE ensure compliance with alternate assessment requirements established in IDEA and other state or federal rules, policies and procedures?
 - b. MDE guidance states that "removals pursuant to a BIP" and "shortened school day" must be counted as a day of removal. Nothing in IDEA suggests this. Is this a best practice or based on rule? To what degree do discipline procedures and documentation create a paperwork burden and interfere with educational outcomes for students with disabilities?
 - c. MDE's approach to "general supervision," is not consistent with IDEA. IDEA states that it is the State's responsibility not the ISDs. How do the State and ISDs work together to provide general supervision? What is the role of each?
 - d. MDE should update guidance around FBA's to align with new OSEP Guidance. Without doing this, will there be confusion in the field and with families? Would changing this reduce paperwork burden?

In summary, these are examples of areas in which it is recommended that MDE-OSE engage with ISDs and districts along with other necessary perspectives in working together to make changes which will ease the paperwork burden on staff while also maintaining a necessary level of compliance with law, rules and regulations and ensuring good outcomes for students. MDE-OSE is asked to reinstate a Monitoring and Advisory Team (MAT) which would include the varying perspectives to work through issues such as those listed above.