

MFT: Article Art. 5 - Special Education Caseload

*The following proposal was made by the Minneapolis Federation of Teachers, based on input from educators, parents, students, and community members, is subject to modifications and additions throughout the bargaining process.*

Whereas, student needs drive special education service minutes it follows that related service providers should be staffed appropriately so as to eliminate the need to change Individual Education Programs to compensate for the large student to staff ratio.

Whereas, related service provider vacancies can be temporarily filled by other district personnel (e.g., district program facilitators, teachers on special assignment, instructional specialists).

Whereas, the 93% increase in 504 plans since 2013-2014 academic year and the high incidence of medically fragile students in Minneapolis requires an increase in nurses, increase in psychologists, increase in school counselors, and an increase in social workers.

Whereas, St. Paul Public Schools determines Special Education caseloads for Occupational Therapists, Physical Therapists, Speech Language Pathologist, School Social Workers, and School Psychologists based on a multitude of factors which includes direct services minutes, indirect services minutes, evaluation and reevaluation time, IEPs managed, travel time, and other services required in the IEPs of eligible students.

Whereas, the *Endrew F. v. Douglas County School District*, the U.S. Supreme Court ruled in favor of a higher standard of education for children with disabilities.

Whereas, the current caseloads are untenable and staff are reporting that they are reducing minutes in order to be in compliance with serving students; however, this practice is not legal.

Whereas, the 2015-2017 contract-defined issues for the Special Education Labor Management Committee to address, and yet very little if any concrete action has been made in regards to workload.

12.2 Caseload Recommendations.

12.2.1 Special Education Teacher Caseload Recommendation:

**1. Special Education Teacher Caseloads:**

**The following caseload guidelines will remain in place until a workload formula is created:**

a. It is recommended that staffing caseloads take into consideration the need to engage in the broad range of professional activities necessary to:

1. Meet the intent of the Individuals with Disabilities Education Act (IDEA) by implementing appropriate and effective service options, and providing interventions designed to meet individual student needs,
2. Implement evidence-based practices, and
3. Meet mandated compliance, third-party billing, paperwork and other responsibilities.

**Audiologists:** It is recommended that staffing caseloads of audiologists follow a ratio of 1:10,000 as a guideline at all general education settings across all grade levels.

**Developmental/Adapted Physical Education Teachers (DAPE):** It is recommended that staffing caseloads of DAPE teachers follow a ratio of 1:40.

**Licensed Deaf/Hard of Hearing Itinerant Services Teachers:** It is recommended that staffing Caseload/Staffing of deaf/hard of hearing services teachers follow a ratio of 1:20.

**Licensed School Nurses:** ~~It is recommended that the District staff Licensed School Nurses at a 1:750 ratio for students in regular education, and 1:225 students in special education.~~ **Minimum staffing pattern: There shall be a Licensed School Nurse in every building every day for the entire student contact day during student contact time. Additional allocations beyond the minimum staffing pattern indicated by the workload/caseload formula or nursing acuity model will be provided to each building.**

**Occupational Therapists:** It is recommended that staffing caseloads of occupational therapists follow a ratio of 1:25.

**Physical Therapists:** It is recommended that staffing caseloads of physical therapists follow a ratio of 1:25.

**School Psychologists:** It is recommended that staffing caseloads of school psychologists follow a ratio of 1:1000 **500** as a guideline at all general education settings across all grade levels.

**School Social Workers:** ~~It is recommended that staffing caseloads of school social workers follow a ratio of 1:600 as a guideline at all general education settings across all grade levels.~~ **Minimum staffing pattern: There shall be a Licensed School Social Worker in every building every day for the entire student contact day during student contact time. Additional allocations beyond the minimum staffing pattern indicated by the workload/caseload formula will be provided to each building.**

**Special Education Resource Teachers (SERTs):** The District shall require buildings to staff special education resource teachers at a ratio of 1:20 but no greater than 1:23 students during the spring budget allocation staffing process. The Special Education

Department shall enforce this ratio through the budget tie-out process. The District will work toward the reduction of maximum recommended caseloads for Special Education Resource Teachers from 1:23 to 1:20 as budget constraints allow. **Student placement decisions will be made before budget tie-out to enable accurate data for determining student and staffing needs. We acknowledge that additional placements may need to be made after summer student address changes.**

**Speech Language Clinicians:** It is recommended that the District staff speech language clinicians at a ratio no greater than 1:23 students.

**Vision Services Teachers:** It is recommended that staffing caseloads of vision services teachers follow a ratio of 1:22.

#### **12.2.2 Licensed School Counselors Caseload Allocation**

**Licensed School Counselors:** It is recommended that the District staff licensed school counselors at a 1:250 ratio for secondary counselors, and 1:400 for elementary counselors.

#### **12.3 Special Education Labor Management Committee: (SELM)**

12.3.1 Purpose: A joint committee shall meet on a monthly basis to develop and review policies and practices related to the delivery of student and Special Education services in the District and be proactive in resolving issues of concern to both parties.

12.3.2 Membership: The committee shall consist of an equal number of members appointed by the President of the Minneapolis Federation of Teachers, Local 59 and the Superintendent. **As much as possible, the committee will represent all areas of special education. The MFT President will review and appoint MFT members and the Superintendent will review and appoint District representatives. The SELM Committee will select from the recommended candidates.**

12.3.3 Scope: Topics that the committee shall address include but are not limited to:

- a. Workloads Working Conditions
- b. Paperwork reduction, duplication, data collection and information management
- c. Support for IEP due process requirements
- d. Selection and use of funds for curriculum and materials
- e. Facilities and working conditions
- f. Professional development
- g. Support for schools to deliver focused interventions for students with special needs
- h. Preparation time
- i. Residency Program for Special Education

**12.3.4 Right to Introduce Issues:** Teachers shall have the right to initiate discussions or bring issues to this committee relative to any of these topics with the expectation that this committee will act as a non-partial mediating body to address concerns and resolve issues that are systemic in a timely manner.

**SELM Committee members who participate in additional work duties outside of attending the monthly meetings (e.g., Task Forces, Subgroup work, etc.) will be compensated at the Hourly Leadership Rate.**

**Special Education Workload:**

**Subd. 1. Establishment of Special Education Teacher Workload Formula**

**The District and MFT recognize that special education workload involves a broad range of professional activities necessary to:**

- **Meet the intent of the Individuals with Disabilities Education Act (IDEA) by implementing appropriate and effective service options, and providing interventions designed to meet individual student needs,**
- **Implement evidence-based practices, and**
- **Meet mandated compliance, third-party billing, paperwork and other responsibilities.**

**Workloads for specific special education programs are delineated in MN Rule 3525.2340. Further, the state law specifies that the following factors must be considered when determining a workload formula for special education staff who work with students receiving services for 60% or less of their instructional day:**

- 1. Student contact minutes;**
- 2. Evaluation and reevaluation time;**
- 3. Indirect services time;**
- 4. Management of Individual Educational Programs (IEPs),**
- 5. Travel time required for provision of services or management of IEPs;**
- and**
- 6. Other services required by the IEPs of eligible students.**

**Within 6 months of 2019-2021 contract ratification, the District will complete implementation of workload formulas (limits) for all special education providers.**

**Implementation shall minimally include the following steps:**

- 1. The District will work with the assistance of the Special Education Labor Management Committee (SELM) as needed. Updates will be provided at each SELM meeting;**
- 2. Complete a systems review of Special Education functions to address issues, student services and workload within six (6) months of 2019-2021 contract ratification.**
- 3. Review weighting of student caseloads by student needs as in the State's weighting formula.**
- 4. Complete a systems review of each special education service area including staff feedback;**
- 5. Establish workload formulas (limits) for each special education service area that takes into consideration the factors listed above as well as time spent on early intervention services (i.e., Individual Family Service Plan, or IFSP, pre-interventions).**
- 6. Once the workload formula has been determined, each special education provider shall complete completes a workload analysis that identifies the relevant factors required by the workload formula.**
- 7. Annually, the workload formulas will be reviewed and updated by SELM and the Special Education Director.**
- 8. In recognition of the need to balance due process responsibilities with instructional obligations to students, changes in workload shall not exceed a special educator's formula unless by mutual consent of the special education professional and the District.**

9. If at any point in the school year, a special educator's workload exceeds the limit for their FTE, the following shall apply:
- The District must seek the special educator's consent before assigning the additional workload, or alternatively, must remove other workload responsibilities or provide additional due process days (e.g., meetings, due process paperwork, etcetera).
  - If a special educator accepts additional workload during the school year and the workload causes the special educator to fall within a higher FTE range, the District will pay the special educator a stipend for additional time based on their prorated hourly rate
  - The District and SELM will also continue collaborating to explore and provide additional supports such as:
10. Creating a Special Education Teacher Emeritus cadre to rotate between schools to assist in completion of Special Education paperwork.
11. Increase capacity to fill Special Education Assistants (SEA) absences with SEA reserves. when absent.
12. Increase teacher reserve capacity, when needed, so teachers can meet due process requirements.
13. Provide sufficient reserve teacher staff to allow Special Education teachers release time to meet due process requirements no fewer than the equivalent of one day(s) per quarter.

SELM will forward the Special Education Labor Management Committee monthly minutes each month, recommendations, and actions directly to the Superintendent, Chief Executive Officer and Chief Academic Officer for review and required needed action.