

# *Tips from the Special Education Division: Staffing*

**Question: How do districts provide students the basic education and special education services when facing continued staffing shortages?**

## **Answer:**

OSPI understands that districts are facing continued staffing shortages and disruptions that create barriers for the provision of both general education and special education services to Washington students. While some level of impact on students may be unavoidable, districts and school teams must ensure students have access to both basic education and special education services. The Individuals with Disabilities Education Act (IDEA) and WAC 392-172A, along with related RCW, require school districts to provide a free appropriate public education (FAPE) for students with disabilities ages 3–21. Students should not be asked to stay home as a result of a lack of staff.

## **Staffing Innovations**

For a full list of innovative staffing practices shared by school and district partners across the state and country, along with strategic planning and long-term solutions please refer to the [Special Education Staffing Tip, February 2022](#). To highlight a few practices, districts are encouraged to:

- Develop policies and practices that consider how to:
  - Ensure equitable access for students, staff, and families, including those engaged with special education supports during staffing shortages
  - Document and respond to barriers in learning as a result of changes in staffing.
  - Maintain open and proactive communication with families about staffing barriers and efforts to address those challenges.
- When experiencing staffing shortages, districts are encouraged to consider practices such as:
  - Temporarily reallocate staff to address student IEP needs. IEPs must continue to be implemented; however, the location of services may shift (provided placement is not impacted).
    - If staffing shortages impact the educational placement or provision of FAPE to a student, districts should provide prior written notice of changes



to parents. See OSPI's [Q&A, Question H-1](#) for more information on prior written notice.

- Having other staff temporarily provide specially designed instruction.
- Temporarily increasing group sizes or combining groups for small group instruction.
- Thinking creatively about when specially designed instruction is provided. Districts are reminded that a service area does not equal, necessarily, a class period.

### **Staffing Example: Paraeducators**

OSPI has received concerns that due to staffing shortages, students with 1:1 paraeducators are being asked to stay home. As discussed above, it is contrary to the IDEA to require a student to stay home due to a shortage of staff. Along with the strategies above and in the Special Education Staffing Tip, February 2022, with respect to paraeducators districts are encouraged to consider:

- Holding an IEP meeting to discuss the type, level, function and frequency of the support. Perhaps a student now needs shared paraeducator support as opposed to 1:1 support or may only require a 1:1 support during specific activities.
  - Remember, unlike specially designed instruction and related services, which are the responsibility of the evaluation group to determine, supplementary aids and services (SAS) are the decision of the IEP team (refer to WACs 392-172A-02065 and 392-172A-03110(2)(b)(ii)). There would therefore be no requirement to conduct a reevaluation prior to modifying SAS.
- Evaluating the current practices of assigning and fading paraeducators based on individual student level data to support student independence while having timely information for staffing decision.

For a complete list of guidance and best practices on paraeducator support and best practices please refer to:

- [TAP #6: Paraeducators and Students Eligible to Receive Special Education Services](#)
- [TAP #6 Appendix A: Best Practices for Planning Paraeducator Support](#)