



Minnesota's New Special Education Caseload/Workload Rule

Frequently Asked Questions

Q1: Does Minnesota have a special education caseload rule?

A: Yes, Minnesota Rule 3525.2340. The Minnesota Department of Education (MDE) amended the rule in February of 2015. It now includes a workload limit policy requirement.


- The rule always included caseload limits for students receiving more than 60 percent direct daily special education (SPED) services and for “early childhood program alternatives.” (Education Minnesota believes early childhood special education [ECSE] is included). MDE defines caseloads as the number of students in a teacher’s presence at one time, not the number of individual education plans (IEPs) or students assigned to a case manager.
- The improved rule now requires school districts to adopt a board approved workload limit policy for students receiving 60 percent or less direct daily SPED service, and it defines workload as “student contact minutes, evaluation and re-evaluation time, indirect services, IEPs managed, travel time and other services required.” This applies to most K-12 special education teachers and related service providers.

Q2: Why is the workload rule limited to “students receiving direct special education for 60 percent or less of the instructional day?”

A: A MDE task force could not agree on specific caseload/workload numbers for students who receive 60 percent or less of daily SPED services, but it did agree that districts should have a policy for workload limits. Education Minnesota believes that local district policies and contract language should address caseload or workload limits for all special education staff, including classroom teachers and related service providers.

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The union of 70,000 educators

Q3: Should local unions encourage their districts to adopt a policy if they have not done so already?

A: Yes. And locals should encourage school districts to consult with a representative group of special education staff, including both classroom teachers and related service providers, before districts adopt a special education workload policy.

If a local becomes aware that a district is about to adopt a SPED workload policy without local involvement, the local president or lead negotiator should inform the district superintendent or lead negotiator in writing that the local wishes to bargain that policy.

The notification should:

- acknowledge the need to comply with the new workload policy rule.
- note that workloads are a mandatory subject of bargaining under the Public Employment Labor Relations Act (PELRA).
- note that the input of special educators is key for implementing a successful policy.
- request that the district negotiate with the local before the school board takes action.

The district may institute a policy unilaterally if the local does not request to bargain over it. Locals should seek guidance from Education Minnesota field staff if a district imposes a policy unilaterally despite the local's request to bargain.

Q4: How detailed does the policy need to be? Does Education Minnesota recommend any specific limits for the workloads of special education teachers or related service providers?

A: At a minimum, the workload policy should address:

- student contact minutes
- evaluation and re-evaluation time
- indirect services
- IEPs managed
- travel time (if the teacher works at multiple sites)
- other services required in the IEPs of eligible students

Education Minnesota strongly recommends that local district policies rely on the workload analysis formula developed in 2003 by special educators and administrators and published in the MDE document titled, "Workload Considerations for Effective Special Education," which is included in this toolkit. We have also included a workload policy used by the Northwest Regional Interdistrict Council (NWRIC). These documents are available on Education Minnesota's "member portal" under "Special Education."

The policy should also include workload limits agreed upon by both the district and the local. Alternatively, the policy can state that workload limits will be negotiated between the local and the district and included in the teachers' collective bargaining agreement. Education Minnesota does not recommend any specific limits for any specific area because different districts may have different staffing needs; however, sample policies are available on the Education Minnesota website.

Q5: Is there a date by which school districts are required to have a workload policy in place? If districts do not have a policy, is there any penalty?

The revised rule took effect in February 2015, but does not contain a date by which districts must adopt a policy. It is reasonable to allow districts until the beginning of the 2015-16 school year to adopt a workload policy, allowing time for administration to collaborate with special educators.

There is no specific penalty for a district that fails to adopt a workload policy for special educators, but Education Minnesota field staff and our legal department will assist locals to ensure district compliance. MDE will be required to investigate whether a district is complying with the rule in the same way that it investigates alleged violations of other Minnesota special education rules.

Q6: If our teachers are involved in the development of a workload policy, is there a need to negotiate contract language related to special educator workloads?

A: Yes. A policy alone will be difficult for teachers or locals to enforce. Education Minnesota encourages all locals representing licensed staff to negotiate both a workload policy as well as contract language, ensuring a process that the district must follow in the event the district needs to assign a teacher or service provider more students or more contact minutes than the agreed-upon limits. This language could provide for additional preparation time, compensation or relief from other duties for affected staff.

Education Minnesota has included sample contract language that locals may use; however, these are only guidelines and suggestions. District administrators might propose alternative language. It is crucial that special educators in each district be involved in the development of contract language that best addresses their situation.

Q7: What if our local has already communicated our bargaining proposals to the district?

A: Consider amending the goals to include special education workload recommendations. This is a crucial issue given high levels of burnout among our special educators – because of increasing caseloads and due process paperwork. Contract language provides the opportunity for significant relief and better service for students with special needs. Each local has the ability to decide which bargaining goals to prioritize, but special educator workload limits should be a priority for all locals.

Q8: How can our local convince our district to adopt workload policy and contract language for special educators when we have no workload policy for general education teachers?

A: Locals are welcome to propose workload limits for all staff, including a more clearly defined duty day. But Education Minnesota encourages locals to focus on workload limits for special educators during 2015-2017 negotiations for the following reasons, which may also serve as talking points for negotiators to use at the bargaining table:

- The new rule is the first time Minnesota has actually required anything close to workload limits for special educators, so the timing is right to coordinate district policies with contract language.
- Although all educators have high workloads and could benefit from limits on the number of students they are assigned to teach, unreasonable workloads for special educators are denying them the time they need to provide legally mandated services to students.
- Special educators often feel caught between their legal obligation to provide services to students and complying with paperwork timelines, which are also legally mandated. Workload limits ensure that special education staff can complete paperwork but also serve our student populations that have the greatest needs.
- Burnout and teacher shortage issues in special education are more acute than in any other area of E-12 education. It is costly for districts and time-consuming for staff to deal with a constant influx of new special educators due to burnout. If we are going to ensure that great teachers go into special education and stay there, we need to make sure that their caseloads allow them to do their jobs effectively.

Q9: Are there other issues our local can negotiate to provide relief for special educators in addition to workload caseload limits?

A: Yes. Many locals around the state have already negotiated contract language to address the concerns of special education staff:

- designated time for due process paperwork in addition to instructional preparation time
- additional compensation for IEP meetings held outside the duty day
- the ability to request substitutes in order to complete paperwork
- stipends for related service providers who have earned a certificate of clinical competency

A packet of sample contract language from around the state is included in this toolkit.

Q10: Who should I contact if I have questions on this topic?

If you are a member interested in what your local is doing on this issue, contact your local president or negotiations chair. If you are a local president or negotiator looking for advice on a contract proposal your local has drafted, or you want to review a district proposal or policy, contact your Education Minnesota field representative.