



SPECIAL EDUCATION RESOURCES

Providing FAPE during Special Educator Shortages

Wisconsin is one of forty-eight states currently reporting special education teacher shortages (Sutcher, Darling-Hammond, & Carver-Tomas, 2016). Staffing challenges are exacerbated by high rates of attrition of special education teachers found to be 2.5 times more likely to leave the profession as teachers in general education (Smith & Ingersoll, 2004), and the pandemic only elevated the challenges faced by school districts.

On October 4, 2022, the Office of Special Education Programs (OSEP) released a [memo](#) regarding the Personnel Qualifications under Part B of the Individuals with Disabilities Education Act (IDEA). The memo served as a reminder of states' and districts' license requirements for those providing special education and related services and the obligation to ensure a Free Appropriate Public Education (FAPE) to students with disabilities.

Wisconsin's license requirements are aligned with the provisions regarding personnel under IDEA.

The U.S. Departments of Education and Department of Labor also issued a [Joint Dear Colleague Letter](#) on August 31, 2022, encouraging districts to utilize available funds under American Rescue Plan (ARP) Act of 2021. In addition, the Department of Public Instruction (DPI) has developed a resource entitled [Leveraging IDEA Funds to Attract/Prepare/Retain Special Educators & Related Services Providers: Allowable Costs](#).

Additional reminders to districts facing special educator shortages:

Keep IEPs current. An IEP serves as a legally binding commitment of resources from the district to the student. Remember an IEP should reflect current services provided and any change in the amount or delivery of services should result in a review and revision of the IEP. If a district is experiencing shortages in special education and is making every effort to fill the vacancies, the first step should

include a review of the impacted students' IEPs. Conduct an IEP meeting to address the program summary including specially designed instruction and related services. If the district has shifted teachers and related service providers to address unfilled positions, make sure that all students impacted receive an IEP review and revision, and determine whether compensatory services are required if there are any delays in providing services.

Communication is key. Communicate with family members regarding the current status of programming and services for their child. Be transparent throughout the process and not only at IEP team meetings. Be upfront with the challenges the district is facing, along with the efforts made to address the challenge. Routine and up-to-date communication should be provided.

Leverage skills in existing staff. Recognize the unique knowledge and skills of available staff to meet the unique needs of students with IEPs. Think creatively regarding which available licensed staff could address the goals and provide services and where the goals and services can be delivered. Offer additional training to build capacity of existing and available staff to address the unique needs of students with IEPs.

Wisconsin has made staffing challenges a priority, dedicating a webpage. For more information see: [Resources to Attract, Prepare, and Retain Special Educators and Related Services Providers](#)



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