



SPECIAL EDUCATION

State and Local- Imposed Requirements Complicate Federal Efforts to Reduce Administrative Burden

Accessible Version

GAO Highlights

Highlights of [GAO-16-25](#), a report to congressional requesters

Why GAO Did This Study

When IDEA was reauthorized in 2004, it included provisions to reduce administrative and paperwork requirements to address concerns about burden. GAO was asked to review federal efforts to reduce burden related to meeting IDEA requirements for educating children with disabilities. Congress provided about \$11.5 billion in grants in fiscal year 2015 under IDEA Part B to help states and local districts defray the costs of special education services for nearly 6.6 million students ages 3 to 21.

This report examines (1) what Education and states have done to implement selected IDEA provisions intended to reduce burden, (2) stakeholder views about IDEA's administrative and paperwork requirements, and (3) steps that Education and others have taken to minimize IDEA-related burden.

GAO reviewed relevant federal laws and regulations; held nongeneralizable focus groups with state and local administrators and educators from 37 states; visited schools in Clinton, Arkansas and Rochester, New York; and interviewed officials from Education and stakeholder organizations. GAO selected focus group participants, site visit locations, and organizations to highlight a range of demographic and geographic characteristics and obtain perspectives from a variety of stakeholders.

What GAO Recommends

GAO is not making any recommendations at this time.

View [GAO-16-25](#). For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

January 2016

SPECIAL EDUCATION

State and Local-Imposed Requirements Complicate Federal Efforts to Reduce Administrative Burden

What GAO Found

In response to the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA)—the primary federal law governing education of children with disabilities—the Department of Education (Education) attempted to reduce administrative burden by creating pilot programs and publishing model paperwork forms, but states have used these tools sparingly. Specifically, Education created pilot programs allowing states to use multi-year rather than annual individualized education programs (IEP) to describe services to meet each student's needs, and to waive certain federal paperwork requirements. However, no state applied for these pilots, citing a perceived lack of benefit, and inadequate funding to implement and evaluate the pilots. As required by law, Education also published templates, known as model forms, to help states streamline the process of preparing IEPs and comply with parent notice requirements in IDEA. Although some states and school districts adopted at least one of these model forms, they have used others primarily as a starting point to develop their own forms. State and district officials told GAO this allowed them to meet federal as well as state and local requirements, and provided better protection against potential litigation. Stakeholders were mixed in their views about the effects of other provisions intended to reduce administrative burden. For example, several stakeholders viewed a provision allowing states to use more grant funds for paperwork reduction activities as helpful; others said the effect of a provision eliminating benchmarks and short-term objectives for IEPs was largely negligible.

Stakeholders across 9 focus groups—3 each with state administrators, local administrators, and educators—said that state-imposed requirements contribute to the administrative and paperwork burden, but their views on the burdens and benefits of federal IDEA requirements varied somewhat. For example, in focus groups, educators expressed concerns about monitoring and documenting student progress, while local and state administrators expressed concerns, respectively, about IEP implementation and federal reporting requirements. Consistent with prior research, many educators in these focus groups estimated they spend roughly one to two hours daily on administrative tasks, and expressed concern about this taking time away from the classroom. Despite perceived burdens, stakeholders widely acknowledged that IDEA's requirements play an important role in accountability. For example, educators said the requirements provide information about student strengths and limitations that help them assist the student, while state administrators said requirements aid planning and program development.

Education, states, and school districts have reduced administrative burdens by adopting new technology and using certain resource strategies. For example, several state administrators said Education's electronic data submission system has made it easier to complete federally-required state performance plans. During fall 2014, Education launched a new electronic reporting system intended to, among other things, consolidate data collections and ease data entry. Some schools and districts have also adopted resource strategies, such as hiring data clerks to reduce administrative burdens, but these strategies can be costly.

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Abbreviations

CEC	Council for Exceptional Children
Education	Department of Education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized education program
LEA	Local educational agency
NASDSE	National Association of State Directors of Special Education, Inc.
NASSP	National Association of Secondary School Principals
OMB	Office of Management and Budget
OSEP	Office of Special Education Programs
PRA	Paperwork Reduction Act
SEA	State educational agency
SPeNSE	Study of Personnel Needs in Special Education
SPP/APR	State Performance Plan/Annual Performance Report

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January 8, 2016

The Honorable John Kline
Chairman
Committee on Education and the Workforce
House of Representatives

The Honorable Todd Rokita
Chairman
Subcommittee on Early Childhood,
Elementary and Secondary Education
Committee on Education and the Workforce
House of Representatives

The Individuals with Disabilities Education Act (IDEA), the primary federal law authorizing federal funding for special education and related services, is designed to ensure that eligible students with disabilities have available a free appropriate public education, as well as to give parents a role in their children's education. In fiscal year 2015, an estimated 6.6 million students ages 3 through 21 received special education services through a combination of federal, state, and local funding, according to Department of Education (Education) data.¹ Under IDEA Part B,² the federal government contributed \$11.5 billion that same year to help defray the excess costs of educating these students. Administered at the federal level by Education's Office of Special Education Programs (OSEP) in the Office of Special Education and Rehabilitative Services, IDEA has been reauthorized several times since its enactment in 1975, most recently in 2004. Prior to the 2004 reauthorization, organizations representing state and local administrators, educators, disability education advocates, and parents expressed concerns that resources were being directed away from classrooms in order to meet paperwork and other IDEA requirements that were not directly related to improving education outcomes for children. To address these concerns, Congress added several provisions in the 2004 reauthorization intended to help reduce

¹U.S. Department of Education estimate, based on the state-reported cumulative totals for students served in the fall of 2013 and 2014.

²20 U.S.C. §§ 1411-1419.

administrative tasks and paperwork associated with special education programs. Among other things, the provisions included a pilot under which Education could waive statutory or regulatory requirements under IDEA Part B for up to 4 years for up to 15 states.³ The provisions also included a requirement for Education to provide templates, known as “model forms,” for states and local educational agencies (LEAs) to use in documenting various administrative requirements in the special education process.⁴ You asked us to review federal efforts to reduce the burden associated with IDEA administrative and paperwork requirements.

This report examines (1) what Education and states have done to implement selected provisions of the law to help minimize the burden associated with administrative and paperwork requirements under IDEA, (2) stakeholder views about IDEA’s administrative and paperwork requirements, and (3) the steps Education and others have taken to minimize IDEA-related burden.

To address our first objective, we reviewed relevant laws, regulations, and published studies. We also interviewed officials from Education, and from organizations representing education stakeholder groups, including state and local education administrators, parents of students with disabilities, and educators. To address our second objective, we conducted 9 focus group discussions—3 with state administrators from 18 states, 3 with local administrators from 14 states, and 3 with educators from 15 states. Overall, participants came from 37 separate states and, though not generalizable, their views represent a broad range of experiences from across all regions of the country and all types of school districts. To identify potential participants for our focus groups, we worked with the National Association of State Directors of Special Education, Inc., the Council of Administrators of Special Education, the National Education Association, and other organizations representing special education stakeholders. To select focus group participants, we extended invitations to potential participants to maximize diversity in the following areas: the state in which they were employed, type of position, years of experience, and type of school district (rural or urban).

³Pub. L. No. 108-446, § 609(a)(2)(A), 118 Stat. 2647, 2661 (2004), codified at 20 U.S.C. § 1408(a)(2)(A).

⁴Pub. L. No. 108-446, § 617(e), 118 Stat. 2647, 2738 (2004), codified at 20 U.S.C. § 1417(e).

We also completed site visits in Clinton, Arkansas and Rochester, New York. We selected these two school districts to highlight different experiences in how urban and rural school districts manage administrative requirements. These site visits provided opportunities to understand and document local efforts to manage administrative requirements, and to speak with parents about how they perceive special education procedures, although the views of the parents with whom we met are not generalizable. At each location, we met with parents whose children were receiving special education services. Parents were informed of the opportunity to attend these meetings by the local districts, and attendance was voluntary. The site visits allowed us to explore how differences in state and local requirements may contribute to differences in perceptions of the relative benefits and challenges associated with meeting key federal requirements.

To address our third objective, we spoke with Education officials about the agency's efforts to minimize the burden associated with selected administrative and paperwork requirements under IDEA. We also spoke with state and local officials in New York and Arkansas, and included a question about efforts to minimize burden in our focus group discussions.⁵ Finally, we discussed this topic with educators and officials from organizations representing state and local administrators of special education programs, as well as officials from organizations representing parents of students with disabilities. We selected these organizations to provide a range of views on the benefits and burdens of IDEA requirements.

We conducted this performance audit from August 2014 to January 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁵We did not conduct a legal analysis of state special education requirements.

Background

IDEA Part B authorizes federal grants to states to help them meet the excess costs of providing special education and related services to students with disabilities. There are a number of conditions that states must meet to be eligible for funding. In particular, states must agree to make available a free appropriate public education to all students with disabilities beginning at the age of 3 and possibly lasting to the 22nd birthday depending on state law or practice, in the least restrictive environment—meaning, to the maximum extent appropriate, these children are educated with other children who do not have disabilities.⁶ To accomplish this, states and LEAs must first identify, locate, and evaluate students who are eligible for special education services, regardless of the severity of their disability.⁷ For those deemed eligible, the state and LEA must ensure that each student has an individualized education program (IEP) describing their present levels of academic achievement and functional performance; measurable annual goals, including academic and functional goals; special education and related services; supplementary aids and services; and other supports to enable the child to advance appropriately toward attaining those goals.⁸ The IEP is developed by a team of teachers, parents, school district representatives, and other educational professionals. This team must meet to develop the initial IEP within 30 days of determining that a student needs special education and related services, and must review the IEP periodically, but not less than annually, to determine whether the annual goals have been achieved, and revise the IEP, as appropriate.⁹

To qualify for IDEA funding, states must also provide certain procedural safeguards to children and their parents. For example, these safeguards require that parents be provided with prior written notice a reasonable time before the LEA proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the

⁶20 U.S.C. § 1412(a)(1), (5). Free appropriate public education means special education and related services that (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the state educational agency; (c) include an appropriate preschool, elementary school, or secondary school education in the state involved; and (d) are provided in conformity with the individualized education program (IEP) requirements of the IDEA. 20 U.S.C. § 1401(9).

⁷20 U.S.C. § 1412(a)(3)(A).

⁸20 U.S.C. §§ 1412(a)(4), 1414(d).

⁹34 C.F.R. §§ 300.323(c)(1), 300.324(b)(1)(i).

provision of a free appropriate public education to the child.¹⁰ IDEA also affords parents the right to request a due process hearing,¹¹ as well as the right to bring a civil action in a state or federal district court.¹² States must ensure that any state rules, regulations, and policies related to IDEA conform to the purposes of IDEA, and are required to identify in writing to Education and their LEAs any state-imposed requirement that is not required by IDEA.¹³

The 2004 reauthorization of IDEA included several provisions that were intended to help reduce administrative tasks and paperwork associated with documenting compliance with the law.¹⁴ Specifically, the law:

- Created two pilot programs: the Paperwork Waiver Demonstration Program (Paperwork Waiver Program), and the Multi-Year IEP Demonstration Program (Multi-Year IEP Program). Under the Paperwork Waiver Program, Education could waive statutory or regulatory requirements that states must comply with in order to receive funding under Part B for up to 4 years, for up to 15 states.¹⁵ The Multi-Year IEP Program authorized Education to allow up to 15 states to give parents and LEAs the option of developing a comprehensive IEP covering up to 3 years, rather than developing yearly IEPs, as currently required.¹⁶

¹⁰20 U.S.C. § 1415(b)(3).

¹¹20 U.S.C. § 1415(f).

¹²20 U.S.C. § 1415(i)(2). More specifically, IDEA affords parents who are aggrieved by a final decision in a due process hearing or a final decision in an appeal of a hearing decision, if applicable, the right to bring a civil action in a state court of competent jurisdiction or in a district court of the United States, without regard to the amount in controversy.

¹³20 U.S.C. § 1407(a)(1), (2).

¹⁴In 2003, the House Committee on Education and the Workforce issued a report accompanying the House IDEA reauthorization bill (H.R. 1350) which stated that reducing paperwork burden was one of the central reform principles of the House reauthorization bill. H.R. Rep. No. 108-77, at 83 (2003).

¹⁵20 U.S.C. § 1408(a)(2)(B) and (C)(ii). To qualify for the Paperwork Waiver Program, states needed to submit a proposal to reduce excessive paperwork and non-instructional time burdens that did not help improve educational and functional results for children with disabilities. States also needed to provide a list of federal statutory requirements the state wanted waived, as well as any state requirements the state planned on waiving. States could not request waivers for civil rights requirements or certain other procedural safeguards specified in Education's regulations. 72 Fed. Reg. 36.970, 36.971.

¹⁶20 U.S.C. § 1414(d)(5).

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- Required that Education publish and disseminate model forms, including forms for documenting IEPs, providing prior written notice, and providing procedural safeguards notice.¹⁷
 - Introduced various administrative changes, including raising the amount of federal grant funds that states may set aside for administration and other state-level activities, and permitting states to use these funds for paperwork reduction, among other things;¹⁸ eliminating the requirement for benchmarks and short-term objectives in IEPs,¹⁹ and requiring that states identify in writing to LEAs and Education any state requirements that are not mandated by IDEA, and that they minimize requirements that LEAs and schools are subject to under IDEA.²⁰

IDEA requires states to have a mechanism for interagency coordination between the state educational agency (SEA) and any other state agencies that provide or pay for any services that are considered special education or related services.²¹ For example, since 1988, costs of some related services provided to low-income children under IDEA may be covered by Medicaid.²² In 1999, GAO reported that Medicaid documentation requirements are more burdensome than those of IDEA, leading states to cite this as an area of concern in coordinating Medicaid and IDEA services.²³

¹⁷20 U.S.C. § 1417(e).

¹⁸20 U.S.C. § 1411(e)(2)(C)(ii).

¹⁹However, these still must be included for students who take alternate assessments aligned to alternate achievement standards, including students with the most significant cognitive disabilities. See 20 U.S.C. § 1414(d)(1)(A)(i)(I)(cc), 34 C.F.R. § 300.160(c).

²⁰20 U.S.C. § 1407(a).

²¹20 U.S.C. § 1412(a)(12).

²²In 1988, section 1903(c) of the Social Security Act was amended to permit Medicaid payment for certain medical services provided to Medicaid eligible children under IDEA. Medicare Catastrophic Coverage Act of 1988, Pub. L. No. 100-360, § 411(k)(13)(A), 102 Stat. 683, 798, codified at 42 U.S.C. § 1396b(c).

²³GAO, *Medicaid and Special Education: Coordination of Services for Children With Disabilities Is Evolving*, GAO/HEHS-00-20 (Washington, D.C.: December 1999).

Following the 2004 reauthorization, there has been little public debate on the issue of paperwork and administrative burdens associated with IDEA. In 2012, GAO reported information about the burden on states and school districts associated with federal education regulations and identified three IDEA requirements as being among the more burdensome: reporting IDEA performance indicators, IEP processing, and transitioning students into school-age programs from infant and toddler programs.²⁴ We also found that officials of states and school districts reported they generally did not collect information about the costs to comply with federal requirements, noting that states and school districts are not required to report compliance costs, the data are not useful to them, and collecting such data would in itself be burdensome. We recommended Education take additional steps to address duplicative reporting and data collection efforts across major programs. In addition, we recommended Education identify unnecessarily burdensome statutory requirements and develop legislative proposals to address these burdens, acknowledging that the agency's ability to address burdens associated with some provisions of IDEA might be limited without statutory changes. Education agreed that it should take additional steps to address duplicative reporting and data collection efforts that are not statutorily required, and believed additional efficiencies could be achieved in its data collections.²⁵ However, Education noted that some data elements are required under various program statutes and said it would work with Congress in the next reauthorization of IDEA to address duplication or the appearance of duplication resulting from those requirements.²⁶

Additionally, GAO has performed extensive work on the Paperwork Reduction Act (PRA), including the law's effectiveness and approaches to

²⁴GAO, *K-12 Education: Selected States and School Districts Cited Numerous Federal Requirements As Burdensome, While Recognizing Some Benefits*, GAO-12-672 (Washington, D.C.: June 2013). IDEA compliance indicators are data used by Education to help assess state compliance with IDEA.

²⁵Education has subsequently reported taking steps to ensure that reporting and data collection requirements are consistent with its objectives and are not unduly burdensome. For example, Education revised its approach to collecting data for the Individuals with Disabilities Education Act Part B performance plan and report, resulting in a notable reduction in time spent to complete these documents.

²⁶In response to this recommendation, Education proposed the consolidation of several programs, which may reduce burden. For example, Education proposed establishing the Successful, Safe, and Healthy Students program in order to consolidate three related programs.

reducing burden on the public. Under PRA, federal agencies are generally required to submit any proposed information collections to the Office of Management and Budget (OMB) for approval, including an estimate of the burden the information collections impose on the public.²⁷ This submission certifies that the information collections meet the PRA standards that, among others, include taking steps to ensure the collection:

- avoids duplication,
- is necessary for agency performance, and
- minimizes burden on the public.

In response to PRA requirements, Education submits estimates of time needed to collect and report some IDEA related information, including state applications for IDEA funding, the State Performance Plan/Annual Performance Report, and SEA and LEA recordkeeping requirements. In our past work, we have noted potential discrepancies between Education's estimates and reported burden as estimated by institutions of higher learning, making it difficult to know the actual burden imposed by these data collections.²⁸

Education Has Implemented Provisions of IDEA Designed to Reduce Paperwork, but States Have Been Reluctant to Use Them

²⁷44 U.S.C. § 3506(c).

²⁸GAO, *Higher Education: Institutions' Reported Data Collection Burden Is Higher Than Estimated but Can Be Reduced through Increased Coordination*, GAO-10-871 (Washington, D.C.: August 2010).

States Saw Little Benefit in Participating in Pilot Programs

Education took several steps to design and implement two pilot programs, the Paperwork Waiver Program and Multi-Year IEP Program. To promote these pilot programs, Education conducted a national outreach tour to discuss the changes in the 2004 IDEA reauthorization and provide information about the pilot programs. In December 2005, Education also published notices of proposed requirements and selection criteria for both programs, and requested public comments by March 6, 2006.²⁹ Education published the final requirements and selection criteria in July 2007,³⁰ and made applications available to states in October 2007. Additionally, Education officials noted they held a teleconference for the state directors of special education describing the process for applying to participate in the pilot programs, which was also publicized through email and supported by the National Association of State Directors of Special Education, Inc. (NASDSE).³¹

Despite Education's efforts, no state applied to participate in either of the pilot programs. NASDSE officials told us that the application requirements were much too resource-intensive for the potential value they would bring, and implementation of either pilot program would most likely require additional staff that federal funding would not cover. Several states wrote letters to Education explaining their reasons for not applying for and implementing the Paperwork Waiver Program in particular, noting that the program would require more paperwork and staff, but provide little in the way of additional federal funds. For example, New York's letter listed as key reasons for not participating the extensive requirements for participation, limited funding for the pilots, and the staff commitment necessary for both development of the proposals and ongoing oversight of the pilot projects. In a similar letter, Rhode Island noted that implementing the Paperwork Waiver Program would likely result in more paperwork—not less—as well as taking more time from staff. Likewise, Wisconsin and Missouri expressed concerns about the number of requirements and constraints, coupled with inadequate funding. Education officials said that the amount of funding that was offered to

²⁹70 Fed. Reg. 75,158 (Dec. 19, 2005), 70 Fed. Reg. 75,161 (Dec. 19, 2005).

³⁰72 Fed. Reg. 36,970 (July 6, 2007), 72 Fed. Reg. 36,985 (July 6, 2007).

³¹ NASDSE is a national membership organization comprised of state directors of special education from all states, the District of Columbia, the Department of Defense, which operates its own schools in some locations, and other jurisdictions that administer IDEA programs.

help states implement the Paperwork Waiver Program, \$25,000 per state, was based on the amount of available funding at the time, and had taken into account the need to establish a sound evaluation design, as well as Education's commitment to providing technical assistance, as needed.

States also might have been reluctant to participate in the Paperwork Waiver Program because Education cannot waive certain provisions states find most burdensome. For example, Education officials said that states and LEAs were most interested in Education waiving the requirements to notify parents of procedural safeguards and to provide parents prior written notice of certain actions taken with regard to their child's education, both of which are procedural safeguards that Education is prohibited from waiving under IDEA.³² Furthermore, the National Association of Secondary School Principals (NASSP) told us that none of their members were in favor of the paperwork waivers, in part because of the perceived risk of exposing local districts to potential litigation if they were to eliminate any of the requirements that parents have come to expect.³³

Stakeholders cited similar reasons for not participating in the Multi-Year IEP Program. Representatives from NASDSE and the Council for Exceptional Children (CEC)³⁴ cited the costs associated with applying for the program absent sufficient additional federal funding.³⁵ In its response to the proposed requirements for the pilot programs, the Statewide Parent Advocacy Network, Inc. commented that enabling states to participate in a multi-year IEP

³²IDEA prohibits Education from waiving "any statutory requirements of, or regulatory requirements relating to, applicable civil rights requirements." 20 U.S.C. § 1408(a)(2)(B).

³³The National Association of Secondary School Principals is a membership organization of junior high and high school principals, assistant principals, and school leaders that works to connect school leaders through advocacy, research, education, and student programs.

³⁴CEC is a professional organization of special educators that works to improve the educational success of individuals with disabilities and/or gifts and talents.

³⁵Like the Paperwork Waiver Program, Education proposed funding the Multi-Year IEP Program at \$25,000 per state.

demonstration program would have primarily negative implications for families of children with disabilities.³⁶

Some States and Local Districts Used Federal Model Forms Primarily to Help Develop Their Own Forms

Although some states have adopted some of the model forms Education developed pursuant to the 2004 reauthorization's attempt to reduce paperwork, they have used other model forms primarily as a reference tool to develop their own state forms.³⁷ In a 2011 NASDSE survey of state directors of education, 18 of the 39 who responded said they had adopted one or more of the forms. Of those who did not adopt any of the forms, 17 said they had used them to help guide revision of their own forms, and only 3 indicated they had not used the forms at all.³⁸

Education officials and other stakeholders offered several reasons why some states have not adopted the model forms as written and instead used them as reference tools. Education officials said that some states find the model IEP form, for example, lacks the content necessary to meet state and local requirements. Several stakeholders agreed that the model IEP form does not cover all the information required by states, so even if states used a federal model form as a starting point, the state forms could all be different because the state requirements vary so widely. For example, officials from one stakeholder organization told us its state has its own model form for prior written notice because it includes additional procedural safeguards specific to that state. A different stakeholder noted that it would be a lot of work for states to switch from

³⁶The Statewide Parent Advocacy Network, Inc. is a chapter of the Federation of Families for Children's Mental Health. It collaborates with other family advocacy organizations in providing training, information, technical assistance, and support to families of children with behavioral, emotional, and mental health challenges, and works to ensure that New Jersey provides effective and culturally competent services to children and youth with mental health needs and to their families.

³⁷In August 2006, Education published its *Guidance on Required Content of Forms under Part B of the IDEA*, along with these three model forms, as required. 20 U.S.C. § 1417(e). Education also developed a fourth form, a model individualized family service plan for infants and toddlers served under Part C of IDEA. Education's guidance and each of these three model forms are available online at <<http://idea.ed.gov/static/modelForms>>.

³⁸NASDSE completed this survey about perceived paperwork burden as part of a Cooperative Agreement between NASDSE's Project Forum and the Department of Education's Office of Special Education Programs. NASDSE received responses from 36 states and three non-state jurisdictions. Note: The number of responses does not total 39 because one respondent did not answer the relevant questions.

the state forms with which they are familiar to Education's model forms; another stakeholder said that local school districts may also tailor the forms for local use. On the other hand, one stakeholder noted that the forms provided helpful models for states and districts, and said that further standardization of these forms would be particularly useful for students who move across districts and states because currently they must be reevaluated using different forms, which is resource-intensive and frustrating.

The states we visited used some of Education's forms and not others. For instance, Arkansas has generally adopted Education's model form for notice of procedural safeguards in its entirety, while New York has adopted most of this form, but has added state-specific information. Both Arkansas and New York have included most of Education's model form on prior written notice, but with some modifications. Neither state has adopted the model IEP form. One Arkansas official suggested that the model IEP form does not adequately instruct those completing it to include details that could protect school districts from potential parental litigation. In contrast, the official said, the state form specifically calls for those details, which helps staff complete the form in keeping with Arkansas' direction. New York officials told us they do not use the IEP form because they must include other items in their form to ensure compliance with both federal and state requirements.

Stakeholders Had Mixed Views on the Effects of Other Paperwork Reduction Provisions

Views on the effects of other IDEA provisions related to paperwork reductions are mixed, based on our conversations with focus group participants, representatives of education stakeholder organizations, and state and local officials in Arkansas and New York. For example, several focus group participants and stakeholders differed in their views of a provision allowing states to use set-aside funds for certain authorized state-level administrative activities, including paperwork reduction activities.³⁹ Several participants in our state administrator focus groups reported that they have used the flexibility of this provision to help fund automated systems for preparing IEPs and for assisting in data collection and reporting. However, officials from NASDSE said that some states have restrictions on the amount of funds they can use for state administration, making the provision irrelevant to them for paperwork reduction purposes.

³⁹20 U.S.C. § 1411(e)(2)(C)(ii).

Stakeholders said that the effect of the revised IEP provision eliminating benchmarks and short-term objectives was mostly negligible. For instance, several stakeholders said that any potential reductions in paperwork were offset by what they described as a new statutory requirement that IEPs include a statement of measurable annual goals, including academic and functional goals.⁴⁰ Although Education officials characterized that statutory language as clarifying a previously existing requirement rather than creating a new requirement, several stakeholders said the provision created additional work for those states and local districts that revised their local IEP forms to explicitly include the annual goal information.

The 2004 reauthorization also required states to identify any state-imposed special education rules, regulations, and policies not required by IDEA or federal regulations,⁴¹ and minimize the number of rules, regulations, and policies that districts and schools are subject to under IDEA,⁴² but it is not clear what effect this provision has had. Education facilitates compliance with this provision by directing states to list their state-imposed rules, regulations, and policies on their annual applications for federal IDEA funding. However, in our review of the information that states submit, we found it varies in detail and format. Education does not verify the accuracy of the information states provide, and the provision does not require Education to do so, making it difficult to determine the prevalence of state-imposed requirements based on state responses alone.

⁴⁰20 U.S.C. § 1414(d)(1)(A)(i)(II). A Senate report accompanying the 2004 reauthorization noted that while benchmarks and short-term objectives are “thought by some to help track the child’s progress, their inclusion in IEPs contributes greatly to the paperwork burden on educators and parents and often bears no relationship to a child’s development,” and can lead to overemphasizing short term gains. S. Rept. No. 108-185, at 28-29 (2003). Benchmarks and short-term objectives are still required for those children who take alternate assessments aligned to alternate achievement standards. 20 U.S.C. § 1414(d)(1)(A)(i)(I)(cc).

⁴¹20 U.S.C. § 1407(a)(2).

⁴²20 U.S.C. § 1407(a)(3).

Stakeholders Said Additional State and Local Requirements Contribute to Burden, but Differed on the Burdens and Benefits of Federal Requirements

States and Localities Described Additional Requirements that Contribute to Administrative and Paperwork Burden

State and local officials with whom we spoke widely agreed that nonfederal IDEA-related requirements were burdensome. For example, participants across 6 of our 9 focus groups—3 with local administrators and 3 with educators—said that additional requirements imposed by states and localities contribute to the administrative and paperwork burden beyond that imposed by federal requirements. Similarly, based on our observations and interviews with state and local officials, the number of additional requirements can be considerable. New York listed over 200 state-imposed requirements in 2014. For example, when a student is referred for special education, the school must provide a copy of the state’s 46-page handbook for parents of students with disabilities. If a student is at risk of being placed in a residential facility, the school must provide the parent with information about community support services, including how to obtain an assessment of the family’s service needs, and placement alternatives. New York officials reported that they attempted to identify state administrative requirements that did not add value to the special education process but did not find many items to remove. Further, although Arkansas listed no state-imposed requirements on its federal IDEA funding application, during our visit we observed several required forms imposed by the state. States are not prohibited under IDEA from using their own forms, and Arkansas state officials told us they did not list the forms because they did not believe they were doing anything more than what was required under IDEA. This example, however, highlights the difficulty in determining what state-imposed requirements should be reported.

In both local school districts we visited in New York and Arkansas, IEPs are electronic, and each district contracts with a vendor to develop and maintain the software used to guide IEP preparation, tailored to local

preferences and needs. However, in the Rochester, N.Y. district, the electronic IEP includes state-required data elements in addition to those required by federal law. Further, the district has added at least one additional requirement that teachers include the student's latest report card results—even though the information is available in the student's official school file. Although this approach is typical of many school districts, these systems are tailored to local requirements and the IEPs themselves are formatted differently, making it difficult to transfer students' records when they move from one district to another within each state, let alone across states with differing laws and administrative requirements.

Stakeholders said that the additional requirements can make it difficult to isolate the contribution of IDEA requirements to administrative burdens. One official commented that it is nearly impossible to isolate the contribution of IDEA requirements to administrative burdens at the state and local levels because there are so many other requirements placed on states and local districts related to education by other sources. In a 2015 issue paper, the American Speech-Language-Hearing Association noted that although federal statutes and regulations generate paperwork and administrative burdens for their members, all levels of government contribute to the total burden shouldered by their members. In addition to IDEA requirements, there are those mandated under the Elementary and Secondary Education Act of 1965, as amended, Medicaid, and various smaller programs, as well as those added by state law and local school districts, which further exacerbate the problem, whether in anticipation of, or due to compliance with, litigation and court decisions.⁴³

Stakeholders Differed on the Specific Burdens and Benefits of IDEA Requirements

While many stakeholders agreed that special education requirements contribute to administrative and paperwork burden, they differed in their views on the burdens and benefits of specific IDEA requirements. Participants across educator and local administrator focus groups cited more tasks as being particularly burdensome than did those in the state administrator groups. Common areas of concern for participants across all 3 educator focus groups and all 3 local administrator focus groups included preparing IEP documents, focusing on compliance, using

⁴³American Speech-Language-Hearing Association, "Excessive Paperwork Burden: Impact on School-Based Audiologists and Speech-Language Pathologists," Washington, D.C., 2015.

technology, and identifying students with special needs or determining eligibility. In focus group discussions with state administrators, the only specific administrative task they reported as particularly burdensome was preparing state performance plans and annual performance reports for Education. (See table 1.)

Table 1: Administrative Tasks Perceived to Be Particularly Burdensome under the Individuals with Disabilities Education Act (IDEA), as Cited in GAO Focus Groups

Burdensome tasks	Cited in all focus groups with:		
	Educators	Local administrators	State administrators
Preparing individualized education program (IEP) documents	Yes	Yes	No
Focusing too much on compliance	Yes	Yes	No
Meeting state or local special education requirements	Yes	Yes	No
Using technology	Yes	Yes	No
Engaging in child find or determining eligibility	Yes	Yes	No
Monitoring or reporting student progress	Yes	No	No
Ensuring due process	No	Yes	No
Documenting behavioral problems	Yes	No	No
Implementing IEPs	No	Yes	No
Preparing State Performance Plan/Annual Performance Report	No	No	Yes

Source: GAO analysis of focus group comments. | GAO-16-25

Note: The categories presented in this table reflect only those for which one or more participants cited the relevant task across all focus groups in a particular category—educators, local administrators, or state administrators. Although we identified additional task categories, these were not cited across all focus groups, and therefore have been excluded from this table.

Our focus group results are consistent with previous findings from a GAO review of federal education requirements in which education stakeholders identified two IDEA requirements— processing IEPs and collecting and reporting performance data to Education—as being among the more

burdensome for states and districts.⁴⁴ More specifically, stakeholders said in our prior work that IEP processing was complicated, time and paperwork intensive, and vague. They also said that IDEA indicators—performance measures that Education uses to monitor state compliance with IDEA—were complicated, time and resource and paperwork intensive, and duplicative. Similarly, participants in our focus groups for this review identified preparing IEPs and reporting annually to Education as being particularly burdensome, and described similar types of burdens to those previously identified when explaining why these tasks are particularly burdensome. (See table 2.)

Table 2: Types of Burdens Associated with Administrative Tasks under the Individuals with Disabilities Education Act (IDEA), as Identified by GAO Focus Group Participants

Administrative Tasks	Types of burdens					
	Complicated ^a	Time-intensive ^b	Paperwork-intensive ^c	Resource-intensive ^d	Duplicative ^e	Vague ^f
Preparing individualized education program (IEP) documents ^g	Yes	Yes	Yes	No	Yes ^h	No ⁱ
Focusing too much on compliance	Yes	Yes	No	Yes	Yes	Yes
Meeting state or local special education requirements	Yes	Yes	Yes	Yes	Yes	No
Using technology	Yes	Yes	No	Yes	Yes	No
Engaging in child find or determining eligibility	Yes	Yes	Yes	No	Yes	No
Monitoring or reporting student progress	Yes	Yes	No	No	Yes	No
Ensuring due process	Yes	Yes	Yes	Yes	No	No
Documenting behavioral problems	No	Yes	Yes	No	No	No
Implementing IEPs	Yes	Yes	Yes	Yes	No	No
Preparing State Performance Plan/Annual Performance Report ^d	Yes	Yes	^k	Yes	^l	No

Source: GAO analysis of focus group comments. | GAO-16-25

Note: A checkmark indicates, for the tasks cited as particularly burdensome in table 1, the nature of the burden as described by one or more focus group participants.

⁴⁴See GAO-12-672. Processing IEPs can include numerous tasks, such as obtaining and documenting assessments of student strengths and limitations, writing the plan for delivering services, and scheduling IEP meetings to discuss recommended education programs with multiple participants. Education stakeholders in our prior report also cited a third IDEA requirement regarding the transition from IDEA Part C programs into IDEA Part B programs as being burdensome for states and school districts. However, we did not include requirements related to IDEA Part C programs in this review; therefore the transition between programs is beyond the scope of the current analysis.

^aComplicated: Requirements change often, include varying or conflicting definitions, involve multiple steps, or have processes, deadlines, or rules that make compliance difficult or that result in unintended consequences.

^bTime-intensive: Compliance is time-consuming.

^cPaperwork-intensive: Documentation is excessive.

^dResource-intensive: Compliance is costly or requires a substantial amount of technical support.

^eDuplicative: Requirements from different agencies or offices within the same agency were poorly coordinated or requested redundant information (similar or exact).

^fVague: States or school districts lacked knowledge or guidance related to the requirement, or certain processes were unknown or unclear.

^gThis task is similar to the previously identified requirement “IEP processing,” as reported in [GAO-12-672](#).

^hNot previously identified as a type of burden related to the category “IEP processing,” as reported in [GAO-12-672](#).

ⁱPreviously identified as a type of burden related to the category “IEP processing,” as reported in [GAO-12-672](#).

^jThis task is similar to the previously identified requirement “IDEA indicators,” as reported in [GAO-12-672](#).

^kPreviously identified as a type of burden related to the category “IDEA indicators,” as reported in [GAO-12-672](#).

^lPreviously identified as a type of burden related to the category “IDEA indicators,” as reported in [GAO-12-672](#).

Aside from their views on IDEA requirements they regard as particularly burdensome, stakeholders across all 9 focus groups acknowledged that administrative tasks and paperwork play an important role in helping ensure accountability and transparency in the special education process, among other benefits. (See table 3.)

Table 3: Perceived Benefits of Administrative Tasks and Paperwork under the Individuals with Disabilities Education Act (IDEA), as Cited in GAO Focus Groups

Benefits	Cited in all focus groups with:		
	Educators	Local administrators	State administrators
Ensures accountability/transparency	Yes	Yes	Yes
Promotes collaboration	Yes	Yes	No
Facilitates individualization of instruction	Yes	Yes	No
Provides information that allows for better understanding of students	Yes	No	No
Facilitates planning and program development	No	No	Yes

Source: GAO analysis of focus group comments. | GAO-16-25

Note: The categories presented in this table reflect only those in which one or more participants cited the relevant benefit across all focus groups in a particular category—educators, local administrators, or state administrators. Although we identified additional benefit categories, these were not cited across all focus groups, and therefore have been excluded from this table.

Although the parents that we spoke with during our site visit in New York did not express any positive views of the administrative requirements, parents in Arkansas said the IEP is useful in guiding discussions with school district staff, and serves as a record of what the district is doing for their child. Based on our discussions with groups that represent the interests of parents with children who receive special education services, evaluation reports, which provide information about a student's limitations and strengths, can facilitate individualization of instruction by providing a baseline for performance that can be used to measure student progress. Officials from these organizations also noted that administrative requirements that safeguard procedural rights, such as prior written notice, benefit parents by helping them understand how to help their children receive special education services.

Additionally, based on our discussions with parents and representatives of parent organizations, we found that administrative requirements in special education can be helpful to parents, but only to the extent that the information generated is accessible, and requirements are enforced. In particular, the language used to document students' current levels of performance poses a challenge for many parents, who sometimes find the language complicated and confusing, making it difficult to understand important information about their children. In another example, while parents noted that certain administrative requirements, such as IEPs and parent meetings, can be useful tools to share information and promote collaboration among those involved in a child's education, they did not find them helpful when used incorrectly. For example, parents expressed some frustration with IEPs they felt were not being followed, as well as IEP meetings they felt were sometimes used to justify a course of action rather than to determine the best course of action for their child.

Available Research Shows Administrative and Paperwork Tasks Take Time Away from Teaching and Training

Available research supports what stakeholders told us about special education administrative burden. Specifically:

- The 2002 *Study of Personnel Needs in Special Education* (SPeNSE),⁴⁵ commissioned by Education, found that elementary and secondary special education teachers reported spending an average of 1 hour per day completing forms and paperwork—as much time as they spent preparing for lessons.⁴⁶
- A 2008 time-use study found that special education teachers in five Texas school districts spent an average of almost 2 hours per day (1 hour and 51 minutes) on administrative tasks—more time than they or their principals thought they were spending.⁴⁷
- A 2012 study of how preventive services are implemented by special education teachers found that special education teachers across seven elementary schools in Kansas spent about 1 hour per day, on average, doing managerial tasks that involved paperwork.⁴⁸
- In an American Speech-Language-Hearing Association biannual survey of school-based speech-language pathologists and educational audiologists, respondents listed paperwork as their top challenge in each survey from 2004 through 2014.

⁴⁵Elaine Carlson, et al (Westat, Inc., Rockville, MD). *Study of Personnel Needs in Special Education*, Washington: U.S. Department of Education, Office of Special Education Programs; 2002. The study included a survey of a nationally representative sample of 1,333 special education teachers on the topic of time spent on administrative duties and paperwork.

⁴⁶Estimated time spent per week on paperwork varied from 1 hour or less (reported by 14 percent) to more than 14 hours (reported by 8 percent). Variations in time spent on paperwork appear to be related to geography and grades taught.

⁴⁷Dana Pomykal Franz, et al, “Time Use by Special Educators and How It Is Valued,” *Journal of School Leadership*, 18 (September 2008): 551-576. The study involved 13 elementary resource teachers and their principals. In addition to observing the actual time spent on administrative tasks, researchers asked special education teachers and their principals to estimate the amount of time per day that the teachers spent on administrative tasks. On average, the teachers estimated they spent 1 hour and 10 minutes, whereas principals estimated the teachers spent 49 minutes on these tasks.

⁴⁸Belinda B. Mitchell, Donald D. Deshler, and B. Keith Ben-Hanania Lenz, “Examining the Role of the Special Educator in a Response to Intervention Model,” *Learning Disabilities: A Contemporary Journal* 10(2) (2012): 53-74. This study involved seven special education teachers.

Consistent with this research, participants across our 3 educator focus groups estimated that they spend between 2 to 3 hours per day on administrative tasks, or roughly 20 to 35 percent of their time, and said that these tasks take away time needed to complete other required tasks. In particular, they said they do not have enough time to complete paperwork during their regular work hours, which means they complete it on their own time. Participants across the educator focus groups also reported that paperwork and administrative tasks take time away from the classroom and other important tasks, such as academic planning and performing assessments.

Although local administrators would reasonably be expected to spend more time on administrative tasks due to the nature of their jobs, they still shared similar concerns regarding administrative and paperwork burdens crowding out important, non-administrative responsibilities, such as providing training or observing classrooms.⁴⁹

Education and States Stated that They Have Adopted Computer Technology and Other Steps that Reduce Administrative Burdens, but These Efforts Have Limitations

⁴⁹Local administrators' estimates of time spent on administrative tasks ranged from 45 to 100 percent.

Computer Technology and Data Systems Have Reportedly Helped Ease Some Administrative Burdens Related to Special Education Requirements

Some participants in all of our focus groups said that computer technology and the availability of electronic data sets have reduced administrative burdens associated with IDEA. In particular, some participants in focus groups stated that they found electronic IEPs to be helpful in ways such as making data input easier, reducing the chance for data entry errors, and pulling data together from different sources. According to several SEA officials in our focus groups, the linkage of IEPs with automated data systems assists SEAs in their monitoring and compliance activities with local school districts.

Education has developed a data system called EDFacts which it believes will help reduce administrative burden. According to Education, EDFacts is a system designed to centralize data provided by SEAs and LEAs and to streamline data processes at the federal, state, district, and school levels. SEAs transmit data to Education via the EDFacts Submission System, an electronic system designed to help SEAs transmit data in a timely and efficient manner through the use of a file submission application. It includes data required by IDEA and is comprised of six data collections. To further ease the data submission process, Education has developed a web-based Data Submission Organizer tool that provides information about how and when to submit IDEA and other K-12 data. Members of our focus groups also said that GRADS360, an IDEA-specific data system unveiled in October 2014 by the Office of Special Education Programs (OSEP), has effectively reduced the reporting burdens associated with IDEA. GRADS360 is the electronic platform for states to submit data which is then used to create states' annual IDEA Part B and Part C State Performance Plan/Annual Performance Report (SPP/APR). The SPP/APR evaluates a state's efforts to implement the requirements and purposes of IDEA, and describes how a state will improve its implementation. Education's GRADS360 website contains, among other things, profiles on states' previous data submissions, tools on how to submit data to the system, and a calendar that specifies data submission deadlines. Some focus group participants said GRADS360 has reduced the burden associated with completing the SPPs and APRs. One participant asserted that GRADS360 reduced the administrative burdens of producing these reports by 50 percent.

In addition to EDFacts and GRADS360, Education's OSEP has funded four technical assistance centers intended to help states produce and submit high quality IDEA-related data. The centers focus on (1) IDEA's data collecting and reporting requirements (The IDEA Data Center), (2) the development or enhancement of longitudinal data systems (The Center for IDEA Early Childhood Data Systems for children from birth

through age 5), (3) support for combining IDEA data with the Education-funded State Longitudinal Data System (Center for the Integration of IDEA Data), and (4) assistance to SEAs on their federal special education fiscal data collection and reporting obligations (Center for IDEA Fiscal Reporting).

Some focus group participants said SEAs are implementing computer systems that they believe help ease administrative burden. Most of these efforts involve computer data and system consolidation. For example, several participants said their states have activated systems in which electronic IEP data and other student data can be integrated with the state's student data management system. Participants cited benefits to this integration including making it easier for LEAs to upload participants' data to the state system, and enabling the state to have data related to IDEA requirements. One focus group participant said her state has a single computer system so that the SEA and LEAs within the state can use the same system.

Despite Benefits, Existing Technology Reportedly Has Limitations in Addressing Burdens

Some participants in our focus groups said the computer systems used in their states need to be improved to further reduce burdens associated with IDEA requirements. Several participants said existing computer systems are not well integrated and thus do not exchange data across systems. For example, two LEA participants said they must each work with separate computer systems or databases that do not allow automatic data transfers. In one instance, the participant noted having to pull down data from an IEP system and then upload it to another system. In the other case, the participant said data from each database in the system had to be uploaded separately because none of the data had been collated across databases. Another participant noted having to use five different federal log-ons and yet still could not find the information sought. One participant also said that reporting the same information multiple times across different computer systems (federal and state) was a burden.

Other focus groups members told us that technical problems can make using automated systems difficult. Some of these technical problems included system crashes, losing data when attempting to save the data into the system, major technical "glitches," and a lack of computer system capacity. In addition, one educator cited the burden of having to learn a new computer system, only to have the system replaced with another shortly thereafter.

Stakeholders Also Reported Using Non-technology Strategies that Help Ease IDEA's Administrative Burdens

Focus group participants, stakeholders in New York and Arkansas, and other special education officials said adopting certain types of non-computer-related practices had reduced the burdens faced by SEAs, LEAs, and educators generally fell into three categories: administrative support, IEP management, and communication strategies.

- **Administrative support.** One practice was to assign one or more individuals to perform or monitor administrative duties related to IDEA. According to state special education officials from our site visits, many of the larger school districts hire due process clerks to handle logistics. These are teachers who may continue to teach part time or take on the special education administrative role full time. This frees special education teachers from some of the required paperwork. Some participants from our focus groups said that having administrative clerks reduced the time and burdens associated with administrative tasks. One educator from a focus group said hiring a paraprofessional to set up all IEP meetings, contact parents, and send out meeting notices proved helpful in reducing administrative burden. Another practice favored by one focus group member was establishing dedicated time periods in which a teacher would exclusively teach for 3 weeks and then complete administrative tasks for 1 week.
- **IEP management.** Some focus group participants said that using amended or draft IEPs (rather than creating completely new IEPs) can reduce burden. According to the participants, amended IEPs have advantages such as allowing an IEP team to make minor IEP changes without having to call a meeting or redo the entire IEP, making it easier to update or change goals, and reducing the time and impact on staff. One participant said using a draft IEP provides information so everyone attending an IEP meeting is better prepared.
- **Communication strategies.** According to participants in several focus groups, practices that foster communication among educators and specialists who work with special education students can reduce burden. For example, one participant said creating a triad relationship with a student's general education teacher, special education teacher, and case manager can be very important and beneficial to the student. Another participant noted the importance of everyone who works with a special education student collaborating to make a plan so that the student can make progress. In addition, one participant stated that, to reduce burdensome redundancies created by the "dual-track" paperwork systems for special education and general education, those working with a student should have a conversation

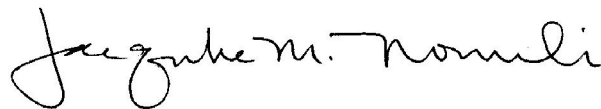
and reach agreement on whether special education or general education is in that student's best interests.

Agency Comments

We provided a draft of this report to the Department of Education for review and comment. In its written comments, reproduced in appendix II, Education neither agreed nor disagreed with our findings. Education also provided technical comments that were incorporated, as appropriate.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies of this report to the appropriate congressional committees, the Secretary of Education, and other interested parties. In addition, the report will be available at no charge on GAO's web site at <http://www.gao.gov>.

If you or your staff should have any questions about this report, please contact me at (617) 788-0580 or nowickij@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.



Jacqueline M. Nowicki
Director, Education, Workforce,
and Income Security Issues

Appendix I: Objectives, Scope, and Methodology

The objectives of this report were to examine (1) what Education and states have done to implement selected provisions of the law to help minimize the burden associated with administrative and paperwork requirements under the Individuals with Disabilities Education Act (IDEA), (2) stakeholder views about IDEA's administrative and paperwork requirements, and (3) the steps Education and others have taken to minimize IDEA-related burden.

To address our first objective, we reviewed relevant laws, regulations, and published studies. We interviewed officials from Education and organizations representing education stakeholder groups, including special education administrators at the state and district levels, parents of students with disabilities, and educators. Some of these groups included the National Association of State Directors of Special Education, Inc.; American Speech-Language-Hearing Association; Council for Exceptional Children; Council of Administrators of Special Education; National Education Association; National Association of Secondary School Principals; and PACER Center. To identify specific provisions of the 2004 IDEA reauthorization intended to reduce the burden associated with administrative and paperwork requirements, we reviewed a Congressional Research Service analysis of the law as well as the results of our literature search.

To address our second objective, we conducted a series of 9 focus group discussions—3 with state administrators from 18 states, 3 with local administrators from 14 states, and 3 with educators from 15 states. Overall, participants came from 37 separate states, and though their comments are not generalizable, they represented a broad range of experiences from across all regions of the country and all types of school districts. To identify potential participants for our focus groups, which consisted of at least six participants each, we worked with the National Association of State Directors of Special Education, Inc., Council of Administrators of Special Education, National Education Association, and other professional organizations representing education stakeholder groups, including educators and special education administrators at the state and district levels. The organizations we contacted that represent parents of students with disabilities included the Statewide Parent Advocacy Network, Inc. and the Council of Parent Attorneys and Advocates. In addition to contacting these organizations, we posted information in a National Association of Special Education Teachers' newsletter to identify potential focus group participants. In order to maximize the diversity of our sample of participants, we extended invitations to participants based on the state in which they were

employed, type of position, years of experience, and type of school district (rural or urban). We documented these characteristics via a participant questionnaire. Using a combination of these methods for identifying potential participants ensured that all of the participants in one strata of the focus groups did not come from a single source, mitigating potential bias toward a specific organization. Once the list of potential participants was compiled, we emailed the potential participants to confirm that they currently worked or had worked previously in the relevant organization in the area of special education, and to inquire if they wished to participate.

In addition to gaining the perceptions of special education administrators and educators on IDEA administrative and reporting requirements, we also obtained information on how another key stakeholder group—parents of students with disabilities—perceive these requirements. Although parents of such students do not directly complete IDEA paperwork, we gathered information on how they perceive IDEA administrative and paperwork requirements from our discussions with organizations representing them and from results of their literature on the subject.

We analyzed the content of our 9 focus group discussions to identify similarities and differences within and across these groups regarding time spent on IDEA administrative tasks, perceived benefits and burdens associated with administrative requirements, and potential solutions and strategies about how to minimize time spent on administrative tasks. To achieve consensus on this identification, two analysts independently reviewed focus group transcripts and categorized relevant discussions across four different topics:

- Time Spent on Paperwork
- Perceived Burdens
- Perceived Benefits of Administrative Tasks
- Model Practices and Potential Solutions

For burdens specifically, we further categorized the reasons why focus group participants considered administrative and paperwork tasks

burdensome, using categories we previously developed.¹ These reasons include and are defined as follows:

- **Complicated:** Requirements change often, include varying or conflicting definitions, involve multiple steps, or have processes, deadlines, or rules that make compliance difficult or that result in unintended consequences.
- **Time-intensive:** Compliance is time-consuming.
- **Paperwork-intensive:** Documentation is excessive.
- **Resource-intensive:** Compliance is costly or requires a substantial amount of technical support.
- **Duplicative:** Requirements from different agencies or offices within the same agency were poorly coordinated or requested redundant information (similar or exact).
- **Vague:** States or school districts lacked knowledge or guidance related to the requirement, or certain processes were unknown or unclear.

To illustrate the administrative processes in different school districts in different areas of the country, and to identify how differences in state and local requirements may contribute to differences in burden, along with common concerns and suggestions for addressing them, we completed site visits in Clinton, Arkansas and Rochester, New York. We selected these two school districts to highlight different experiences in how urban and rural school districts manage administrative requirements, and how parents in these districts perceive the requirements. We first selected Arkansas and New York to provide diverse geographic locations, number of state-imposed special education requirements listed on the state application for IDEA funding, and incidence of dispute resolutions as reported by a GAO special education report.² Specifically, New York, in the northeast region, listed over 200 state-imposed special education

¹GAO- K-12 Education: Selected States and School Districts Cited Numerous Federal Requirements As Burdensome, While Recognizing Some Benefits, [GAO-12-672](#) (Washington, D.C.: June 2012).

²GAO, *Special Education: Improved Performance Measures Could Enhance Oversight of Dispute Resolution*, [GAO-14-390](#) (Washington, D.C.: August 2014).

requirements on its IDEA funding application, and also had a high incidence of dispute resolutions.³ Arkansas, in the southeast region, listed no state-imposed special education requirements on its IDEA funding application, and was not identified in the GAO special education report on dispute resolution. Within each state, we chose the LEAs and schools to achieve diversity across urban and rural districts and primary and secondary schools, and large enough to have with some experience with special education needs.

These site visits provided opportunities to understand and document local efforts to manage administrative requirements and to speak with parents about how they perceive special education procedures. The visits also allowed us to explore how differences in state and local requirements may contribute to differences in perceptions of the relative benefits and challenges associated with meeting key federal requirements. At each site, we interviewed the relevant state and local special education administrators, and those who work directly with special education students. We also obtained state and local policies and procedures, enabling us to develop a narrative about the types of paperwork various individuals are responsible for and any additional requirements imposed by the state or LEA. At each location, we also met with parents whose children were receiving special education services. Parents were informed of these meetings by the local districts, and attendance was voluntary. We compared these narratives to understand various differences across the locations.

To address our third objective, we spoke with Education officials about steps the agency had taken to reduce the associated burden of administrative and reporting requirements under IDEA, and reviewed the agency's Paperwork Reduction Act (PRA) burden estimates for proposed amendments to data collections related to IDEA implementation. We also spoke with state and local officials in New York and Arkansas about steps taken to minimize burden, and included a question on this subject in our focus group discussions. Finally, we gathered information on efforts to minimize burden from our discussions with officials from the previously-listed organizations representing education stakeholders and organizations representing parents of students with disabilities, and from

³GAO used the geographic categories from the 2002 *Study of Personnel Needs in Special Education* (SPeNSE) commissioned by Education. SPeNSE reported teachers in the northeast region spent a median 3.3 hours per week on special education paperwork, the least of any region.

results of our literature search. We selected these organizations to provide a range of views on the benefits and burdens of IDEA requirements.

Appendix II: Comments from the U.S. Department of Education



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

Jacqueline M. Nowicki
Director, Education, Workforce, and Income Security Issues
U. S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

DEC 03 2015

Dear Ms. Nowicki:

Thank you for providing the U.S. Department of Education (Department) the opportunity to review and comment on the U.S. Government Accountability Office (GAO) draft report, "Special Education: State and Local-Imposed Requirements Complicate Federal Efforts to Reduce Administrative Burden" (GAO-16-25). The study examines: (1) what the Department and States have done to implement selected provisions under the Individuals with Disabilities Education Act (IDEA) intended to reduce burden; (2) stakeholder views about IDEA's administrative and paperwork requirements; and (3) steps that the Department and others have taken to minimize IDEA-related burden.

GAO is not making any recommendations to the Department in the draft report. However, we would like to take this opportunity to highlight some of the other significant efforts the Office of Special Education and Rehabilitative Services (OSERS) has taken to reduce burden from the Federal level.

The Department has reduced burden in both the IDEA State Performance Plan and the Annual Performance Report, as well as in the method of providing the State-reported data required under section 616 of the IDEA. In 2013 and 2014, the Department reduced the paperwork burden in the SPP/APR by two-thirds by eliminating four indicators and combining 20 small improvement plans into one results-oriented plan. In addition, over the last several years, the Department eliminated separate collection of the IDEA section 618 data – those data are now collected through the Department's EDFacts system, eliminating duplicative reporting by States.

The Department encourages States to review their forms and procedures to identify opportunities to reduce paperwork burden. Specifically, we suggest that States examine their individualized education program (IEP) forms against the OSERS-developed model forms available at <http://idea.ed.gov/static/modelForms>. In addition, States could examine their prior written notice forms against the OSERS' model forms at the same link. The Department stands ready to provide technical assistance if questions arise about the nature and extent of specific IDEA requirements.

Thank you for your work on this important issue and for your consideration of our comments. We are also providing suggestions for technical edits. We remain available if you have additional questions or concerns. We look forward to receiving the final report.

Sincerely,

Michael K. Yudin

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Jaqueline M. Nowicki, (617) 788-0580 or nowickij@gao.gov.

Staff Acknowledgments

In addition to the contact named above, Mary Crenshaw, Assistant Director; Regina Santucci, Analyst-in Charge; Betty Ward-Zukerman, Justin Riordan, Tyne McGee, Daren Sweeney, Andrew Nelson, Susanna Clark, Laurel Beedon, and Sheranda Campbell made significant contributions to this report. Also contributing to this report were Walter Vance, James Rebbe, Charlie Willson, Tim Bober, Carolyn Yocom, David Forgosh, and Nyree Ryder Tee.

Appendix IV: Accessible Data

Agency Comment Letter

Text of Appendix II:
Comments from the U.S.
Department of Education

Page 1

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
400 MARYLAND AVE. S.W.,
WASHINGTON, DC 20202-2600
THE ASSISTANT SECRETARY
DEC 03 2015
Jacqueline M. Nowicki
Director, Education, Workforce, and Income Security Issues
U .S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Nowicki:

Thank you for providing the U.S. Department of Education (Department) the opportunity to review and comment on the U.S. Government Accountability Office (GAO) draft report, "Special Education: State and Local-Imposed Requirements Complicate Federal Efforts to Reduce Administrative Burden" (GAO-16-25). The study examines: (1) what the Department and States have done to implement selected provisions under the Individuals with Disabilities Education Act (IDEA) intended to reduce burden; (2) stakeholder views about IDEA's administrative and

paperwork requirements; and (3) steps that the Department and others have taken to minimize IDEA-related burden .

GAO is not making any recommendations to the Department in the draft report. However, we would like to take this opportunity to highlight some of the other significant efforts the Office of Special Education and Rehabilitative Services (OSERS) has taken to reduce burden from the Federal level.

The Department has reduced burden in both the IDEA State Performance Plan and the Annual Performance Report , as well as in the method of providing the State-reported data required under section 616 of the IDEA. In 2013 and 2014, the Department reduced the paperwork burden in the SPP/APR by two-thirds by eliminating four indicators and combining 20 small improvement plans into one results-oriented plan. In addition, over the last several years, the Department eliminated separate collection of the IDEA section 618 data - those data are now collected through the Department's ED Facts system, eliminating duplicative reporting by States.

The Department encourages States to review their forms and procedures to identify opportunities to reduce paperwork burden. Specifically, we suggest that States examine their individualized education program (IEP) forms against the OSERS-developed model forms available at <http://idea.ed.gov/v/static/modelForms>. In addition, States could examine their prior written notice forms against the OSERS' model forms at the same link. The Department stands ready to provide technical assistance if questions arise about the nature and extent of specific IDEA requirements.

Thank you for your work on this important issue and for your consideration of our comments. We are also providing suggestions for technical edits. We remain available if you have additional questions or concerns. We look forward to receiving the final report.

Sincerely,

Michael K. Yudin

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