



**ASHA**

American  
Speech-Language-Hearing  
Association

June 29, 2020

The Honorable Mark Allan Schultz  
Acting Assistant Secretary  
Office of Special Education and Rehabilitative Services  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

RE: Proposed Priorities, Requirements, Definition, and Selection Criteria— Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities—The Individuals with Disabilities Education Act (IDEA) Paperwork Reduction Planning and Implementation Program (Docket ID ED–2020–OSERS–0014)

Dear Acting Assistant Secretary Schultz:

On behalf of the American Speech-Language-Hearing Association, I write to offer comments on the May 29, 2020, *Federal Register* notice of proposed priorities, requirements, definition, and selection criteria under the Individuals with Disabilities Education Act (IDEA) Paperwork Reduction Planning and Implementation Program by the Office of Special Education and Rehabilitative Services, U.S. Department of Education (ED).

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 211,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.

Audiologists specialize in preventing and assessing hearing and balance disorders as well as providing audiologic treatment, including hearing aids. Speech-language pathologists (SLPs) identify, assess, and treat speech and language problems, including swallowing disorders. More than half of ASHA members work in educational settings. The services provided by ASHA members help ensure students in schools receive a free appropriate public education (FAPE) in the least restrictive environment.

Audiologists and SLPs who work in schools are integral members of the education team. They provide important and valuable services that help students access the general curriculum and are instrumental in designing learning systems for students. ASHA members support students, families, and staff from early education through graduation in both general and special education.

Speech-language pathology services are highly utilized in schools as reported in the U.S. Department of Education's 2019 Annual Report to Congress on the Implementation of IDEA, which shows that in 2017, the most prevalent disability category of children ages 3 through 5 served under IDEA Part B was speech or language impairment (42.4%).<sup>1</sup> In addition, speech or language impairment was the second or third most prevalent disability category for students ages 6 through 21 in every racial/ethnic group served under IDEA Part B. Educational audiologists also provide valuable services to children who have hearing-related issues by helping them access ongoing evaluation, necessary technology, accommodations and interventions, and the general educational curriculum.

Excessive paperwork and high student to educator ratios can impede school personnel in their work to educate children. Special education teachers and related services personnel/specialized instructional support personnel, such as educational audiologists and SLPs, face unmanageable caseloads and excessive paperwork. Excessive paperwork negatively impacts the functioning of schools and associated student academic and vocational outcomes and instructional quality. In the most recent survey of ASHA school-based members, ASHA found that paperwork burden ranks among the top challenges faced in school settings.<sup>2</sup> Practical solutions must be developed and implemented to address these issues and ASHA welcomes the opportunity to respond to this notice.

ASHA offers the following comments and recommendations on the proposed priority and definitions under the IDEA Paperwork Reduction Planning and Implementation Program.

### **Proposed Priorities**

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**General/Overarching Comments:** ASHA supports efforts to streamline paperwork burdens that school personnel experience, as paperwork has been an increasing challenge for SLPs in schools over the years. According to ASHA's School Survey Report: SLP Workforce and Work Conditions Trends 2000-2016, at least 80% of SLPs reported that a "large amount of paperwork" was their greatest professional challenge.<sup>3</sup> Again, in 2018, the ASHA 2018 SLP Schools Survey found that paperwork was the greatest challenge for 79% of SLPs who responded.<sup>4</sup> Challenging work conditions have discouraged SLPs from signing on and staying in schools and high caseloads contribute to excessive paperwork. These challenges are reflective of the findings in ASHA's 2018 Schools Survey, where 54% of school-based SLPs reported more job openings than job seekers in their school.<sup>5</sup>

ASHA members' concerns about being overwhelmed with paperwork were echoed in a 2016 investigation by the U.S. General Accountability Office (GAO). The 2016 GAO investigation found that practitioner's spend up to 35% of their time on paperwork and administrative compliance instead of working with children".<sup>6</sup>

ASHA appreciates ED's efforts to address the paperwork burden for special education teachers, related service providers, and state and local administrators by waiving certain statutory and regulatory requirements under IDEA. However, ASHA recommends that ED clarify the requirements that any state proposal would need to meet in order to ensure that procedural safeguards will be met and FAPE will be preserved.

**Recommendation:** ASHA recommends that ED widely disseminates the outcomes/benefits of the implementation of the state grant program to address paperwork reduction.

**Rationale:** States should identify and disseminate the results and potential benefits of this state grant program including increased time to provide direct services to students, improved outcomes, as well as increased planning and collaboration time with teachers, parents, and related services personnel. Sharing models of outcomes/benefits with other states and stakeholders is essential so that they see the value of paperwork reduction initiatives. Shortages of special education and related services personnel, including audiologists and SLPs noted across the nation, increase workload demands and associated paperwork. Increasing workload demands and paperwork on school-based personnel could result in a continued decline in retention rates.<sup>7</sup>

**Recommendation:** ASHA encourages ED and the U.S. Department of Health & Human Services (HHS) to coordinate and collaborate to reduce the administrative burden of duplicative paperwork for school-based providers who utilize IDEA funds and bill Medicaid. ASHA strongly recommends that the Office of Special Education and Rehabilitative Services within ED coordinate with the Center for Medicaid and CHIP Services within HHS' Centers for Medicare & Medicaid Services to develop trainings and provide technical assistance for billing and payment administration of Medicaid services in schools and reduce the total paperwork burden when utilizing IDEA funds and billing Medicaid.

**Rationale:** Medicaid (a public health insurance program) requires separate and somewhat different documentation from IDEA (an education program), which adds to the paperwork burden experienced by providers of services to Medicaid-eligible students. Unnecessary and redundant paperwork often constrains and compromises the quality of special education services; therefore, steps should be taken to reduce administrative barriers for providing health services in and in coordination with schools.

While variation exists in the reason for documentation and content for IDEA and Medicaid, sufficient overlap exists in reported data to allow for efficiencies to be identified if efforts were made to align and coordinate reporting requirements across the programs to the extent practicable. Creating a unified reporting system for both IDEA and Medicaid would offer related services personnel/specialized instructional support personnel, including audiologists and SLPs, more time for providing services to children with disabilities. In addition, growth in Medicaid-managed care has caused a substantial amount of additional provider burden because of the requirement to demonstrate and re-demonstrate a continued need for services in order to access limited Medicaid funds. School-based audiologists and SLPs must provide services to children with disabilities in compliance with their individualized education program (IEP)—regardless of whether Medicaid covers the services—and additional documentation requirements for Medicaid reimbursement often impact the ability of providers to spend time directly with children.

***Proposed Priority 1: The IDEA Paperwork Reduction Planning and Implementation Program—Planning Grants.***

**Comments:** ASHA recommends for ED to encourage states to apply for the planning grant in order to identify and address inefficiencies and the effects of burdensome state and local rules on service providers. In order to encourage states to apply, the grant application process should be comprehensive but not burdensome. The impact of administrative burdens must be identified through a consultative process with affected stakeholders, including educational audiologists and SLPs. States must partner with stakeholder groups to identify the statutory, regulatory, and state and local policies that increase the paperwork burden and eliminate or modify them. ED must utilize all available avenues to promote and support states that wish to apply for the Paperwork Reduction Planning and Implementation Program.

**Recommendation:** ASHA supports the (b)(1) section below under Proposed Priority 1- Planning Grants and recommends that OSERS include a similar provision in Proposed Priority 2 on implementation grants.

(b) The project must implement a plan that—

(i) Identifies the State and local statutory and regulatory requirements or policies, procedures, and practices that exceed IDEA Part B statutory and regulatory requirements and were considered for revision;

**Recommendation:** ASHA recommends that ED add to section (b) within Proposed Priority 1 the following provision:

- (b) Ensures that the State will continue to meet the data collection requirements of Part B of IDEA to the greatest extent possible.

**Rationale:** Data collection and analysis help to determine appropriate resource allocation and to demonstrate outcomes over time. Identical or comparable data demonstrates the outcome of such waivers—particularly with regard to assessing the positive or negative impact of such waivers—as well as ensures that all students continue to receive FAPE under IDEA Part B.

***Proposed Priority 2: The Individuals with Disabilities Education Act (IDEA) Paperwork Reduction Planning and Implementation Program—Implementation Grants.***

**Recommendation:** ASHA recommends that ED adds the following provision to Proposed Priority 2 (b):

- b) The project must implement a plan that—
  - (i) Identifies the State and local statutory and regulatory requirements or policies, procedures, and practices that exceed IDEA Part B statutory and regulatory requirements and were considered for revision;

**Rationale:** This provision in Proposed Priority 1(b)1 focuses on the planning grants. The inclusion of the provision here in Proposed Priority 2 allows for greater consistency between the two priorities under the IDEA Paperwork Reduction Planning and Implementation Program.

**Recommendation:** ASHA recommends that ED amends Proposed Priority 2(c)(1)(v) with the following bold language:

- (v) Promotes collaboration between individualized education program (IEP) Team members, **including the parents of the child**; and

**Rationale:** While IDEA states the IEP includes the parents of the child, with this recommendation ASHA emphasizes the importance of family engagement for ensuring successful implementation of IEPs for students receiving FAPE under IDEA Part B. While Proposed Priority 2 (c)(1)(v) and (c)(1)(vi) examine collaboration within the IEP Team members, and satisfaction of family members (in addition to others), ED should ensure that evaluation measures specifically address parent/family engagement and collaboration.

**Proposed Selection Criteria**

**Recommendation:** ASHA recommends that ED amends Proposed Selection Criteria (b)(2)(ii) with these strikethroughs as follows:

- (b)(2)(ii)  
The extent to which the proposed project encourages and is responsive to ~~consumer~~ involvement, including parental involvement as well as the involvement of special

educators, related service providers [specialized instructional support personnel], teachers, principals and administrators.

**Rationale:** The term “consumer” does not appear in IDEA in reference to families, parents, or other stakeholders (the only references are limited to the “Consumer Price Index for All Urban Consumers”). Removing this term in favor of “parental involvement” and other named stakeholders provides more specific framework for selection and ensures that plans address parent involvement as a leading priority.

**Recommendation:** ASHA recommends that ED amends sections (a)(2) and (b)(2)(i) under Proposed Selection Criteria with the following bold language so that it reads:

(a)(2)

(2) In determining the significance of the proposed project, the Secretary considers the likelihood that the proposed project will reduce administrative burdens, **including other statutory or regulatory requirements or judicial precedents that may not be addressed by State action or ED’s waivers**, and increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

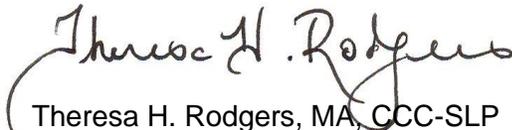
(b)(2)(i)

(i) The extent to which the design of the proposed project will successfully reduce administrative burdens, **including other statutory or regulatory requirements or judicial precedents that may not be addressed by State action or ED’s waivers**, and increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities.

**Rationale:** Certain administrative burdens, such as the Medicaid requirements discussed in General/Overarching Comments above, may be outside of the scope of state education agency (SEA) regulatory authority or the authority of ED to waive. In addition to directly reducing administrative burdens that are within the scope of the SEA, projects should be able to identify and work with other agencies to reduce administrative burdens beyond those under their jurisdiction.

Thank you for the opportunity to share these comments and recommendations on the proposed priority, requirements, and specific criteria under the IDEA Paperwork Reduction Planning and Implementation Program. Addressing the problem of excessive paperwork and administrative compliance remains a top priority of ASHA school-based members. If you or your staff have any questions, please contact Catherine D. Clarke, ASHA’s director of education policy, at [cclarke@asha.org](mailto:cclarke@asha.org).

Sincerely,



Theresa H. Rodgers, MA, CCC-SLP  
2020 ASHA President

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<sup>1</sup> U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs. (2019). *41st Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2019*. <https://sites.ed.gov/idea/files/41st-arc-for-idea.pdf>.

<sup>2</sup> American Speech-Language-Hearing Association. (2018). *2018 Schools survey. Survey summary report: Numbers and types of responses, SLPs*. <https://www.asha.org/uploadedFiles/2018-Schools-Survey-Summary-Report.pdf>.

<sup>3</sup> American Speech-Language-Hearing Association. (2016). *Schools Survey Report: SLP Workforce and Work Conditions Trends 2000–2016*. <https://www.asha.org/uploadedFiles/2016-Schools-Survey-SLP-Workforce-Trends.pdf>.

<sup>4</sup> American Speech-Language-Hearing Association. (2018). *2018 Schools survey. Survey summary report: Numbers and types of responses, SLPs*. <https://www.asha.org/uploadedFiles/2018-Schools-Survey-Summary-Report.pdf>.

<sup>5</sup> American Speech-Language-Hearing Association. (2018). *2018 Schools survey. SLP Workforce and Work Conditions*. <https://www.asha.org/uploadedFiles/2018-Schools-Survey-Workforce-Report.pdf>.

<sup>6</sup> The United States Government Accountability Office. (2016). *Special Education State and Local-Imposed Requirements Complicate Federal Efforts to Reduce Administrative Burden*, GAO. <https://www.gao.gov/assets/680/674561.pdf>

<sup>7</sup> National Coalition on Personnel Shortages in Special Education and Related Services. (n.d.). *About the Shortage*. <https://specialedshortages.org/about-the-shortage/>.