

## **PARAPROFESSIONALS AND THEIR ROLE IN THE EDUCATIONAL SYSTEM**

### **I. Job Title of Paraprofessional**

- A. Various job titles are used to describe the tasks performed by paraprofessionals. Some common ones are paraeducator, assistant, aide and job coach.
- B. Scope of duties.
  - 1. In general, a paraprofessional is a trained person who performs a variety of instructional tasks to help a student in his/her educational program and placement. These areas include special education, early childhood, ESL and Title I classrooms. A paraprofessional typically works under direct supervision of a school professional as a teacher or school psychologist.
  - 2. A paraprofessional assists in the instruction of a student, but does not plan the instructional program and design.
  - 3. Individuals who assist in non-instructional tasks are not paraprofessionals.
- C. Supervision of Paraprofessionals
  - 1. A paraprofessional works under the direct supervision of a teacher if:
    - The teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out and evaluates the achievement of the students with whom the paraprofessional is working; and
    - The paraprofessional works in close and frequent proximity with the teacher.

### **II. ESSA (Every Student Succeeds Act) and Paraprofessionals**

- A. The ESSA contains the main provisions governing the duties and qualifications of paraprofessionals. 20 USC 7801(37), 34 CFR 200.55; 200.58(a)(2); 200.59.
  - 1. ESSA assigns to each state the duty to establish professional standards for paraprofessionals working in a program supported with Title I Funds. 20 USC 6311 (g)((2)(M).

2. ESSA requires each state to ensure that paraprofessionals meet its certification and licensure requirements. 20 USC 6311(g)(2)(J).
3. ESSA requires each school district to make sure that its paraprofessionals in a program supported by Title I funds has earned a secondary school diploma or its recognized equivalent. 34 CFR 200.58(b)
4. Under ESSA, paraprofessionals must have:
  - Completed at least two years of study at an institution of higher education;
  - Obtained an associates or higher degree; or
  - Met a rigorous standard of quality and can demonstrate -- through a formal state or local academic assessment -- knowledge of, and the ability to assist in instructing as appropriate in reading, language arts, writing, and mathematics or reading readiness, writing readiness, and mathematics readiness.

34 CFR 200.58(c).
5. These ESSA requirements do not apply to a paraprofessional who is:
  - proficient in English and a language other than English and acts as a translator to enhance the participation of English learners; or
  - has instructional support duties that consist solely of conducting parental involvement activities. 34 CFR 200.58(d).

### **III. USDOE (U.S. Department of Education) and Paraprofessionals**

- A. The U.S. Education Department has explained that "paraprofessionals who provide instructional support" includes those who:
  1. Provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher.
  2. Assist with classroom management, such as organizing instructional materials.
  3. Provide instructional assistance in a computer laboratory.

4. Provide instructional support in a library or media center.
5. Act as translator.
6. Provide instructional support services under the direct supervision of a qualified teacher.

#### **IV. Paraprofessionals in Special Education**

A. Paraprofessionals assist with a wide range of services in a child's special education program.

1. The child's IEP must specify the need for a paraprofessional and explain the duties to be performed by that individual.
2. The IEP must also explain the qualification of the paraprofessional for the assigned duties such as ("train in behavioral modification", "knowledgeable in Algebra" or "fluent in sign language").
3. There is no right to a particular individual to be identified as a paraprofessional in the child's IEP. However, if the child's IEP specifically identifies an individual, then the school district must make that person available.
4. In addition, the identified paraprofessional must be qualified and supervised appropriately.

B. Attendance of Paraprofessionals at IEP Meetings

1. A paraprofessional is not a mandatory member of an IEP team.
2. A paraprofessional can attend an IEP team meeting as a discretionary team member.
3. A discretionary member is a person who has "knowledge or specific expertise regarding the child." (See Cal. Ed. Code Secs. 56341(b) & (e).
4. Either the parent or the school district may designate a paraprofessional with special expertise.
5. A paraprofessional who is designated with special expertise can be invited to attend an IEP team meeting.
6. When a paraprofessional is invited to an IEP meeting as a discretionary member by parent or the school district, the other party cannot prevent the attendance of the paraprofessional.

C. Participation of Paraprofessionals at IEP Meetings

1. Once invited, a paraprofessional participates at an IEP meeting in the manner and to the same extent as any other member in the area designated with special knowledge or expertise.
2. A paraprofessional may offer or be asked to offer input on a variety of issues including:
  - The benefits of one-on-one assistance for the child;
  - The child's overall performance and progress in current placement and under current goals;
  - Barriers to the child's progress;
  - Ideas on overcoming problems;
  - Content of new goals and services;
  - The duration, amount and frequency of services.

V. **Child Find under the IDEA (Individuals with Disabilities Education Act)**

- A. IDEA is a federal law that lays out the rights of students with disabilities to special education, and the duties of states and school districts to provide special education services.
- B. The IDEA sets out how the IEP (Individual Education Program) process works.
- C. Under the Child Find part of the IDEA, and under related California law and regulations, states and school districts are required to identify, locate and evaluate all children with disabilities, regardless of the severity of the disability.
- D. This means that it is not only up to the parent or caregiver to request that their child be assessed. Teachers and administrators must also actively recommend assessments for students who may have disabilities.
  - The question for the school is whether the child should be referred for an evaluation, not whether the child actually qualifies for services.
- E. Paraprofessionals can help to identify students whom they work with for assessments.

## **VI. Paraprofessionals and 504 Plans**

- A. 504 Plans are available to people with disabilities under Federal law (Section 504 of the Rehabilitation Act), a federal civil rights law that protects people with disabilities from discrimination.
- B. A 504 Plan provides reasonable accommodations as well as some services to a student to ensure they have equitable access to a learning environment. Some students may have an IEP and a 504, and some may have just one or the other.
- C. Children who do not meet the stricter requirements for an IEP may qualify for a 504.
- D. Paraprofessionals may be involved in 504 meetings to provide input in all of the same ways as with an IEP meeting.
- E. Paraprofessionals may participate or assist with implementation of 504 accommodations, such as supervising breaks from the classroom, supervising a student who needs to take tests in a separate location, or facilitating extra time to complete classwork.

## **VII. FERPA (Family Educational Rights and Privacy Act) and Paraprofessionals**

- A. FERPA is a federal law protecting the privacy of certain personally identifiable information (PII) contained in education records.
  - 1. FERPA applies to all educational agencies including public school districts receiving funding from a program operated by the U.S. Education Department. 34 CFR 99.1.
  - 2. Paraprofessionals employed by these agencies must comply with FERPA.
  - 3. FERPA does not apply to noneducational records.
  - 4. FERPA also does not protect all information.
- B. PII
  - 1. Examples of PII include:
    - the student's name;
    - The name of the student's parent or other family members;
    - The address of the student or his family;
    - Disability status and medical information;

- The student's social security number, student ID number, fingerprints, handwriting, DNA, and facial characteristics
- The student's race and ethnicity;
- The student's date of birth, place of birth, and mother's maiden name; and
- Other information that, alone or in combination, is linked or linkable to a specific student.

34 CFR 99.3.

### C. Education Record

1. An education record is a record that is: directly related to the student; and maintained, or saved, by a school district or by a person acting for the district. 34 CFR 99.3.
2. An education record may be a physical record, printed document, digital file, video, and audio recording on a computer, laptop, or tablet. 34 CFR 99.3
3. Examples of education records:
  - Report cards
  - Disciplinary records
  - Progress reports
  - IEPs and Section 504 plans
  - Behavioral intervention plans, medical emergency plans, and other plans that are specific to the student
  - Evaluation reports
  - School health records, such as medication instructions and vaccination records
4. Unprinted, unsaved emails are not education records; but graded assignments kept in a teacher's desk drawer and electronic IEPs of the special education students saved on the school's computer server are education records.
5. FERPA has some exceptions to protected education records.

Exceptions that paraprofessionals may encounter include sole possession records i.e. records that are for personal memory aid such as personal notes, and are not shared with anyone else; and

Grades on peer-graded papers or tests before the teacher collects and records them.

Disability Rights California

Intake: 1-800-776-5746

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