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CSEA CONFERENCE

EDUCATIONAL PLANS & THE ROLE OF PARAPROFESSIONALS

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Disability Rights California

MISSION:

Disability Rights California (DRC) defends, advances, and strengthens the rights and opportunities of people with disabilities.

Overview: Paraprofessionals

1. Job title, job duties, and supervision
2. ESSA (Every Student Succeeds Act) and Paraprofessionals
3. USDOE (U.S. Department of Education) and Paraprofessionals
4. Paraprofessionals in Special Education
5. Child Find under the IDEA (Individuals with Disabilities Education Act)
6. Paraprofessionals and 504 Plans
7. FERPA (Family Educational Rights and Privacy Act) and Paraprofessionals

Paraprofessional: Titles

Job title examples:

- paraeducator
- assistant
- aide
- job coach

Trained person who performs a variety of **instructional tasks** to help a student in an educational program and placement.



Paraprofessional: Duties

- Trained person who performs a variety of **instructional tasks** to help a student in an educational program and placement.
- Under supervision of a school professional, such as a teacher or psychologist
- Assist in instruction but does not plan instructional program



Paraprofessional: Supervision

- Works under direct supervision of a teacher *IF* teacher prepares lessons/plans activities and paraprofessional carries out activities and evaluates student achievement.
- Works in close and frequent proximity with the teacher



ESSA & Paraprofessionals

Every Student Succeeds Act (ESSA) governs the duties and qualifications of paraprofessionals

- Federal Statute
- 20 USC 7801(37), 34 CFR 200.55; 200.58(a)(2); 200.59.



ESSA & Paraprofessionals Cont'd.

Each state must:

- establish professional standards
- ensure paraprofessionals meet certification and licensing requirements



USDOE & Paraprofessionals

United States Department of Education (USDOE) further defines paraprofessionals who provide instructional support to include:

- Provide one-on-one tutoring
- Assist with classroom management
- Instructional assistance in computer lab, library, or media center
- Act as a translator



Paraprofessionals in Special Education

- Assist with wide range of services related to IEP (Individualized Educational Program/Plan)
- Child's IEP must specify need for paraprofessional
- IEP must explain the qualification of the paraprofessional for the assigned duties
- If the IEP team specifically identifies an individual, then the school district must make that person available



Paraprofessionals: IEP Meetings

- Paraprofessional is not mandatory IEP team member
- Can attend as a **discretionary member** – person who has “knowledge or specific expertise regarding the child”

See Cal. Ed. Code Secs. 56341(b) & (e)



Paraprofessionals: IEP Meetings, Cont'd

- Either a parent or school district may designate a paraprofessional with special expertise
- Paraprofessional with special expertise can be invited to attend an IEP team meeting
- When invited by parent or school district, other party cannot prevent attendance of the paraprofessional



Paraprofessionals: Participation in IEP Meetings

- Once invited, participates in same manner and extent as any other IEP team member
- May offer input on variety of issues, including:
 - Benefits of 1:1 assistance for child
 - Overall performance and progress of child
 - Barriers and ideas to overcome barriers
 - Content of new goals and services



Child Find under the Federal IDEA

Individuals with Disabilities Education Act (IDEA)

- Rights of students with disabilities to SPED
- Duties of states and districts to provide SPED

Child Find requires states and districts to identify, locate, and evaluate all children with disabilities, regardless of severity



Child Find under the Federal IDEA (Cont'd)

- Not only up to parent/caregiver
- Teachers and administrators must also actively recommend assessments for students who may have disabilities
- Paraprofessionals can help to identify students whom they work with for assessments



504 Plans

- Available to people with disabilities under Federal law (Section 504 of the Rehabilitation Act)
- Provides reasonable accommodations as well as some services to a student to ensure they have equitable access to a learning environment
- Students who do not meet stricter requirements of an IEP may qualify for a 504
- Paraprofessionals may be involved in 504 meetings and plans in the same ways as IEPs





FERPA

Family Educational Rights and Privacy Act

- Federal law protecting the privacy of certain personally identifiable information (PII) contained in education records
- Applies to all educational agencies including public school districts receiving funds from USDOE
- Paraprofessionals must comply



FERPA: PII

Examples of personally identifiable information (PII):

- name and address of student and family members
- disability status and medical information
- Social Security Number and student ID number
- Race, ethnicity
- Date and place of birth



FERPA: Education Record

A record that is directly related to the student and maintained or saved by a school district or a person acting for the school district.

- physical and electronic records, video, and audio

Examples:

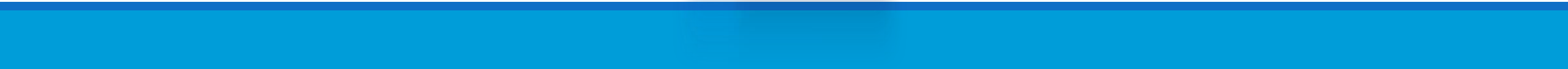
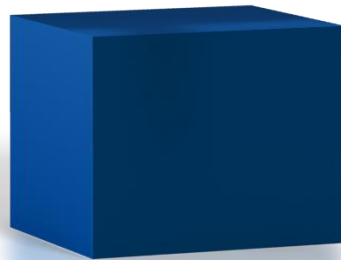
- Report cards
- IEP and Section 504 plans
- Behavioral Intervention Plans and health records

FERPA: Exceptions

Exceptions that paraprofessionals may encounter:

- Records that are for personal memory aid, such as personal notes that are not shared with anyone
- Grades on peer-graded papers or tests before the teacher collects and records them





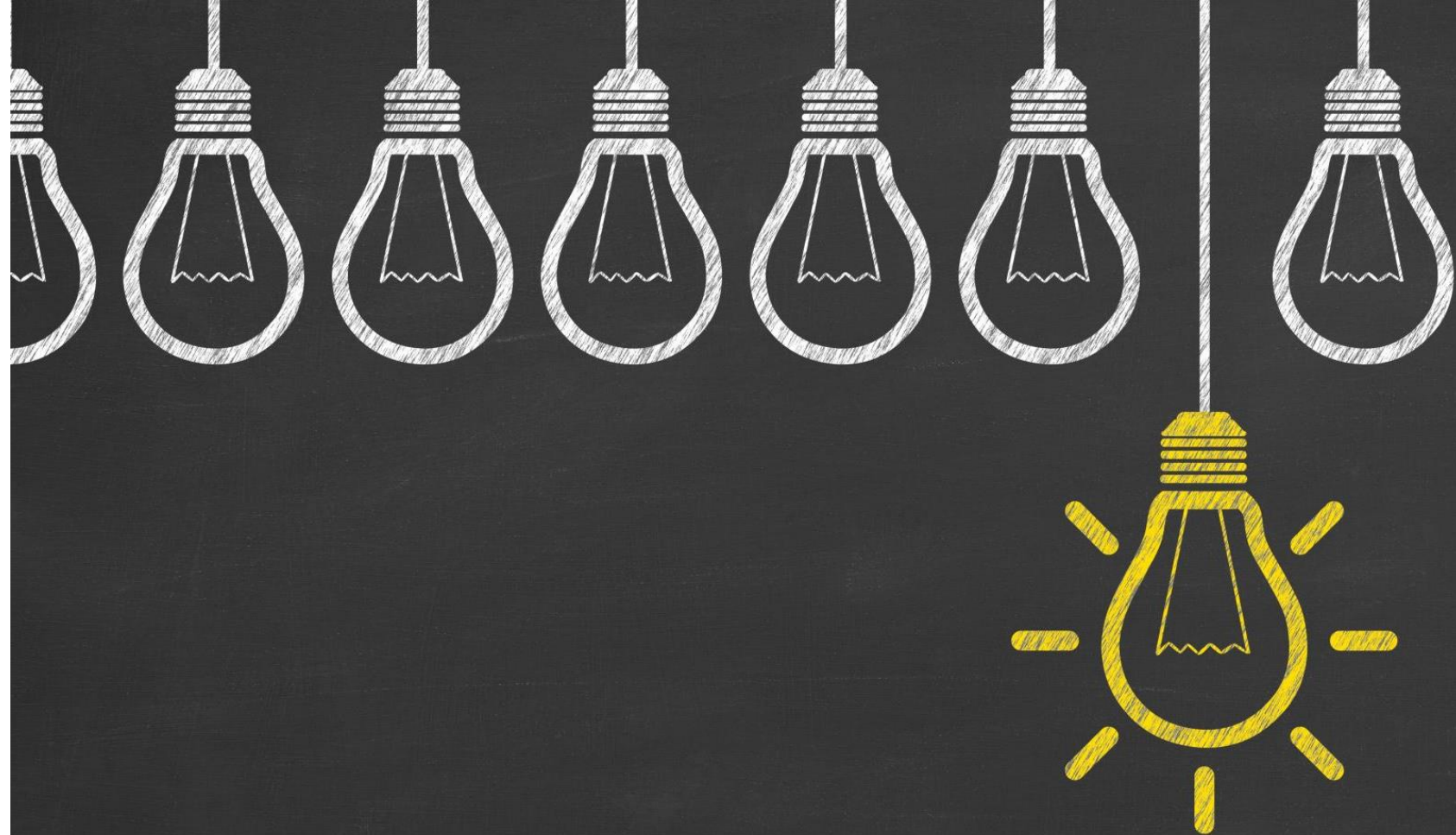
Resources

Special Education Rights and Responsibilities Manual

<https://serr.disabilityrightsca.org/>

DRC Special Education Resources

<https://www.disabilityrightsca.org/resources/special-education>



Contact Information

Disability Rights California

Intake: 1-800-776-5746

<https://www.disabilityrightsca.org/>

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