

# **Federal and State Requirements for Special Education Paraprofessionals**

## **A SUMMARY**

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The Minnesota Department of Education has invested in training, tools and strategies to support the paraprofessional requirements listed in federal and state legislation. Through the guidance of the Minnesota Statewide Paraprofessional Consortium, core competencies for instructional paraprofessionals, specialized competencies, a skill inventory, a portfolio template, training materials, web-based training (Para eLink) and many other resources and tools have been developed to support the development of paraprofessionals. Below is a summary of federal and state legislation and the Minnesota tools developed to assist districts in meeting the requirements while better preparing paraprofessionals to meet the needs of students across the state.

### **Federal Legislation and Minnesota's Response**

Two pieces of federal legislation address requirements for paraprofessionals: the Individuals with Disabilities Education Act Amendments of 1997 (IDEA) first stated requirements for paraprofessionals assisting with the provision of special education services and the recently reauthorized IDEA of 2004 restates those original requirements. In addition, the No Child Left Behind Act of 2001 (NCLB) also applies requirements to certain paraprofessionals working with students with disabilities. Specifically, special education paraprofessionals working in Title I Targeted or School-wide programs must meet the requirements set forth in NCLB.

#### *Individuals with Disabilities Education Act –*

IDEA (1997; 2004) states that paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, may assist in the provision of special education and related services to children with disabilities. In response to IDEA legislation, it is important to acknowledge the following, which was enacted in Minnesota rule in 1998. These requirements directly relate to Minnesota paraprofessionals working in Special Education.

#### **MS125A.08(b) -**

- (b) For paraprofessionals employed to work in programs for students with disabilities, the school board in each district shall ensure that --

- Before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works;
- Annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and
- A district wide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

*No Child Left Behind Act –*

NCLB (2001) provides three options for paraprofessionals who assist with instruction to meet the requirements as stated here:

- Option A. Complete at least two years of study at an institution of higher education;
- Option B. Obtain an Associate’s (or higher) degree; or
- Option C. Meet a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:
  - a. knowledge of and the ability to assist in instructing reading, writing, and mathematics, and
  - b. knowledge of and the ability to assist in instructing reading readiness, writing readiness and mathematics readiness as appropriate.

Again, these requirements have broad impact as they apply to Title I instructional paraprofessionals in targeted assistance schools and all instructional paraprofessionals regardless of funding source in Title I school-wide programs, including those working with students with disabilities. NCLB requirements for paraprofessionals working in Minnesota schools can be met by one of the following options, however, the option selected is determined by the local education agency.

**A:** Two years of study at an institution of higher education;  
Minnesota’s standard: A minimum of 60 semester credits or the amount required to complete two years of full time enrollment as determined by the institution attended;

**OR**

**B:** An Associate’s degree; or  
Minnesota’s standard: An AA, AS, AAS (or higher) degree;

**OR**

**C:** A demonstration, through a formal state or local academic assessment:

- a. knowledge of and the ability to assist in instructing reading, writing and math; or
- b. knowledge of and the ability to assist in instructing reading readiness, writing readiness and mathematics readiness as appropriate.

Minnesota's standard (for C) can be met one of three ways:

1. A passing score on an assessment from the state approved list;\*
- OR**
2. Demonstrating all Minnesota Paraprofessional Core Competencies (1-8) by local district validation of a portfolio through: transferable work experience, college courses, workshops/conferences, Para eLink and demonstration of skill using Para eLink or a similar curriculum that focuses on recent training addressed in Competency 9 of Reading, Math and Writing.
- OR**
3. A state approved local assessment.\*\*(criteria listed below)

\* The ParaPro test has been approved for statewide use. The cut score for ParaPro is 460.

\*\*Criteria for Local Assessments:

A local assessment must satisfy the following criteria, and be submitted to Minnesota Department of Education for approval: Reliable, valid, accessible, objective, comparable to two years of higher education, and able to measure knowledge and ability to assist in instructing reading, writing, and math (or reading, writing and math readiness) in the language of instruction. Local Education Agencies interested in this option may choose to explore assessments, which meet local needs. Examples of current local choices include "WorkKeys" and "Accuplacer." Requests for approval of a local assessment should be sent to the Commissioner. These requirements must be met by the end of the 2005-2006 school year (USDE, 2005).

*Minnesota Voluntary Credential for Education Paraprofessionals (not final)*

In addition to the changes listed above, the Minnesota Legislature gave the State Board of Teaching the authority to create rules for a *voluntary* credential process for all instructional paraprofessionals (Minnesota Regular Session Laws 2003, Chapter 129, Article I Section 10). A voluntary credential would allow transportability across districts and programs, which would benefit paraprofessionals and those who employ them. The Minnesota Statewide Paraprofessional Consortium, in conjunction with the Minnesota Department of Education, worked with the State Board of Teaching in the development of this rule, which was guided by the language below. In addition to rulemaking for the credential, language regarding initial and ongoing training is provided which aligns with the Minnesota rule related to paraprofessionals working in special education.

Sec. 10. [120B.363] [**CREDENTIAL FOR EDUCATION PARAPROFESSIONALS.**]

Subdivision 1. [RULEMAKING.] The board of teaching must adopt rules to implement a statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction. Any paraprofessional holding this credential or working in a local school district after meeting a state-approved local assessment is considered to be highly qualified under federal law. Under this subdivision, the board of teaching, in consultation with the commissioner, must adopt qualitative criteria for approving local assessments that include an evaluation of a paraprofessional's knowledge of reading, writing, and math and the paraprofessional's ability to assist in the instruction of reading, writing, and math. The commissioner must approve or disapprove local assessments using these criteria. The commissioner must make the criteria available to the public.

Subd. 2. [TRAINING POSSIBILITIES.] In adopting rules under subdivision 1, the board must consider including provisions that provide training in: students' characteristics; teaching and learning environment; academic instruction skills; student behavior; and ethical practices.

Subd. 3. [INITIAL TRAINING.] Within the first 60 days of supervising or working with students, a district must provide each paraprofessional with initial training in emergency procedures, confidentiality, vulnerability, reporting obligations, discipline policies, roles and responsibilities, and a building orientation.

### **Minnesota Resources and Tools**

As mentioned earlier the Minnesota Department of Education has invested in the development of resources and tools to prepare and support paraprofessionals some of which are listed below. Perhaps the single most important document has been the Minnesota Core Competencies for Instructional Paraprofessionals. These competencies serve as the standard for all Minnesota paraprofessionals and the training, tools and strategies developed through the guidance of the Consortium align with these competencies. The following resources and tools can be downloaded at: <http://ici2.umn.edu/para/>.

### **Minnesota Core Competencies for Instructional Paraprofessionals**

Minnesota Core Competencies were originally developed in 1998 using the knowledge and skill standards established by the Council for Exceptional Children (CEC) as the basis from which a group of diverse stakeholders revised and updated the list. Over the years the competencies have been reviewed and revised by Minnesota teachers, paraprofessionals and administrators to ensure they reflect the changing role of paraprofessionals. In 2002, the list was expanded in response to NCLB of 2001 by

adding Competency Area 9. In addition to the Core competencies, specialized competencies exist in certain areas where specialized knowledge and skills are needed (e.g., early childhood, autism). Additional areas will be added over time.

	<b>Associated Competency Areas</b>
Paraprofessionals working in Special Education	Competency areas 1 – 8; perhaps some specialized competencies
Paraprofessionals working in Special Education who need to meet the NCLB requirements	Competency areas 1-9; perhaps some specialized competencies

### **Minnesota Paraprofessional Skills Inventory**

This tool provides the paraprofessional and/or his or her supervisor with a strategy to assess the paraprofessional's preparedness in each competency. This might be used individually in identifying areas of training need and then creating an individualized training plan. It has been used as the first step in organizing information for portfolios. It could also be used across paraprofessionals as a needs assessment to identify areas of need for which professional development opportunities might be offered.

### **Minnesota Paraprofessional Portfolio**

This portfolio is one option paraprofessionals could use to document evidence of knowledge and skills. This specific portfolio is aligned with Minnesota Core Competencies for Instructional Paraprofessionals. This rubric can be downloaded at: <http://ici2.umn.edu/para/new/resources/>

### **Para eLink: A Guide for Facilitators**

This booklet is intended to introduce a bit of history and various resources available to help prepare and train paraprofessionals. Specifically this booklet includes information regarding:

- Minnesota Competency Areas for Paraprofessionals.
- The development of Para eLink (Minnesota's online training for paraprofessionals).
- Strategies for building career ladders and working with educational partners
- Tips for facilitating successful online learning using Para eLink.
- Models of local implementation.

## **Tour of Para eLink**

Para eLink is a web-based system of training paraprofessionals. It is aligned with the Minnesota Core Competencies for Instructional Paraprofessionals. Para eLink must be implemented by a trained facilitator through a district or through a 2-year higher education program. Access this 3 minute self running tour through the Minnesota resources and tools at <http://ici2.umn.edu/para/teachers>.

## **Status Report II — Preparation and Supervision of Paraprofessionals in Minnesota, 2003**

This report provides the results of Minnesota's most recent Statewide Paraprofessional Needs Assessment, conducted by the Minnesota Department of Education, Division of Special Education. This survey was conducted during the spring of 2003. This regular 3-year assessment provides information regarding state and local policies and practices related to paraprofessionals, including training, work variables, supervision, and much more. Prior surveys were conducted in 1994, 1997, and 2000. In some cases, responses to similar questions are provided across these survey dates.

## **Minnesota Paraprofessional Consortium Web Site (<http://ici2.umn.edu/para>)**

This site is Minnesota's Internet resource for state updates, state conference information, connections to other resources and information, and much more. Be sure to bookmark this and encourage other administrators, teachers, paraprofessionals and staff development specialists to do so.

## **Minnesota Resource Web Site: Teachers who Direct the Work of Paraprofessionals (<http://ici2.umn.edu/para/teachers/>)**

The purpose of this site is to provide staff development specialists, faculty and staff from teacher preparation programs and others with information and resources to prepare training for teachers who are or will be directing the work of paraprofessionals. The site information is organized around the competency areas identified through research that took place in Minnesota. An overview is provided with corresponding competencies, resources, tools, activities, discussion questions, and power point presentations that can be downloaded and used in workshops and lectures.