

OSPI Special Education

Technical Assistance Paper No. 6 (TAP #6)

Paraeducators and Students Eligible to Receive Special Education Services

Purpose

The purpose of this technical assistance paper (TAP) is to provide a general overview of special education requirements related to the district use of paraeducators to support the provision of specially designed instruction (SDI) on a student's Individualized Education Program (IEP). This document is primarily intended to help district and school administrators and educators understand special education regulations related to the use of paraeducators, plan for that usage, and key employment and professional development certificate¹ requirements for paraeducators serving students with an IEP. It presents a recommended approach to utilizing paraeducators including a rationale for the recommendation.

This TAP is organized as follows:

- I. [Overview](#)
 - II. [Paraeducators as Service Providers](#)
 - III. [Paraeducators on the IEP](#)
 - IV. [FAPE Considerations for Districts and IEP Teams](#)
 - V. [Employment Requirements and Certification](#)
 - VI. [Conclusion](#)
- [Appendix A: Best Practices when Using Paraeducators](#)

[Appendix B: Resources](#)

[Appendix C: References](#)

I. Overview

Individualized education programs (IEPs) for students with disabilities make it necessary for districts to offer an assortment of educational practices, which often feature small group or one-to-one instruction. Tasks that students without disabilities can approach with little or no difficulty can be more time consuming or challenging for students with disabilities, at times requiring more intensive and individualized program planning, supervision, implementation, and evaluation. Used in line with evidence-based best practices, paraeducators assist teachers in delivering high-quality instruction and enable schools to meet all individual student needs in all environments.

When utilized effectively, paraeducators support student engagement and can also improve student outcomes through timely collection of student progress data and the delivery of individualized student support, such as, the delivery of student-specific prompting and reinforcement strategies. Furthermore, the intentional use of paraeducator support helps ensure that students receive the differentiated support they need to access the general education

¹ [The TAP is accompanied by a second document highlighting best practices to support districts in effective use of paraeducators to support improved student outcomes.](#)



environment in a manner which is both safe and effective. It is important to note that a paraeducator's role is to supplement teacher-designed and delivered instruction; they cannot serve as the primary instructor and should not be utilized to deliver the majority of a student's specially designed instruction. Additionally, paraeducator support must be fully designed, supervised, and monitored by certificated special education staff, or for related services by a certificated Educational Staff Associate (ESA).

Trained and properly deployed paraeducators play a key role in supporting the continued growth and independence of students with disabilities across a broad spectrum of educational activities and are an essential resource to implement inclusive practices in schools, so that all students learn and make progress in the general education environment.

During the hiring and assignment of personnel, including paraeducators, districts must examine current paraeducator assignment processes with the involvement of human resources personnel and district and school leaders to determine which staff are responsible for designing and providing instruction, and which are responsible for providing supplemental supports. In place of assignment of special education paraeducators based on the number of students with disabilities, create a plan that addresses the needs of students based upon IEP services, ensures the provision of content instruction by credentialed teachers, and identifies contingency plans for staffing, in case of staff illness.

II. Paraeducators on the IEP

Paraeducators in Washington

"Paraeducator" means a classified public school or school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional and other services to students and their families.

Paraeducators are not considered certificated instructional staff as that term and its meaning are used in this title. [RCW 28A.413.010](#).

Paraeducators play an important role in schools when working under the supervision or direction of a certified or licensed professional to provide educational services to students. Paraeducators are valuable members of education teams and support a variety of students while working in a wide range of educational settings including general education and special education classrooms, lunchrooms, playgrounds, school buses, vocational work sites, computer labs, and school media centers. They provide instructional support to students in early childhood, elementary, and secondary, as well as transitional and institutional educational settings.

For more information on paraeducator policy and assignments, contact the Professional Educators Standards Board.

Paraeducators on the IEP

Per [WAC 392-172A-03090](#), the IEP must meet each of the educational needs that result from the student's disability. This includes a statement of the special education and related services and



supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

- I. To advance appropriately toward attaining the annual goals;
- II. To be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and
- III. To be educated and participate with other students including nondisabled students in the activities described in [WAC 392-172A-03090](#).

On an IEP, paraeducator support is often listed as a supplementary aid and service, related service, or accommodation, depending on the intent of the paraeducator support. Supplementary aids and services are: "aids, services, and other supports that are provided in general education classes or other education-related settings to enable students eligible for special education to be educated with nondisabled students to the maximum extent appropriate in accordance with the least restrictive environment requirements." [WAC 392-172A-01185](#). A related service includes, "developmental, corrective, and other supportive services as are required to assist a student eligible for special education to benefit from special education." [WAC 392-172A-01155\(1\)](#). Finally, program accommodations and modifications allow students to advance appropriately toward attaining annual goals, be involved in and make progress in the

general education environment, and be educated and participate with other students, including students without disabilities. [WAC 392-172A-03090\(1\)\(d\)](#).

For the commitment of services to be clear, the IEP must be specific about the type, frequency, and setting of the paraeducator support: special education setting, general education setting, all day, specific classes, 1:1, or assigned to a small group of students, etc. The IEP should clearly outline specific activities where the student requires the support of a paraeducator and those activities in which the student is able to engage without paraeducator support (e.g., what activities does the paraeducator need to remain within close physical proximity at all times vs. within line of sight).

1:1 Paraeducators

A 1:1 paraeducator means that one paraeducator is working with or supporting one student at a time—this describes a paraeducator to student ratio. It is essential that the level of paraeducator support is tailored to the needs of the student and faded systemically over time to support student independence. Districts have the responsibility to determine the paraeducator assigned to the student, and the specific paraeducator providing support may change throughout the day, as long as the ratio identified in the IEP remains consistent. If a student receives 1:1 paraeducator support, this should be clearly noted on the student's IEP.



Parent Request for a Paraeducator

If a parent requests paraeducator support for their student or that paraeducator support be added to the IEP, the district must conduct an IEP meeting if it believes that the change may be necessary to ensure the provision of FAPE. [WAC 392-172A-03110](#).

Regardless of the IEP team decision, the discussion and any decision related to paraeducator support should be documented in a prior written notice. A prior written notice should be provided to a parent a reasonable time before a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student. [WAC 392-172A-05010](#).

III. Paraeducators as Service Providers

Paraeducators as Service Providers

Paraeducators are a valuable resource to support student progress and independence across the continuum of educational programming. In some circumstances, a paraeducator may also provide assistance for health and medical issues.

Under the direction and supervision of licensed/certificated special education staff, paraeducators play an important role in supporting the implementation of specially designed instruction. [WAC 392-172A-02090\(1\)\(i\)](#) states:

Special education and related services must be provided by appropriately qualified staff. Other

staff including general education teachers and **paraeducators may assist in the provision of special education and related services**, provided that the instruction is designed and supervised by special education certificated staff, or for related services by a certificated educational staff associate. Student progress must be monitored and evaluated by special education certificated staff or for related services, a certificated educational staff associate. (Emphasis added).

Special education means specially designed instruction provided "to meet the unique needs of a student eligible for special education, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education." [WAC 392-172A-01175\(1\)](#). The regulations do not define "assist" but the general meaning of assist is to give support or aid to, to help. The practice of having a paraeducator as the primary provider of specially designed instruction on a student's IEP is inconsistent with the IDEA. See section IV. of this document for more information.

The *Analysis and Comments* to the IDEA 2004 Part B federal regulations state:

Section 300.156(b)(2)(iii), consistent with section 612(a)(14)(B)(iii) of the Act, does specifically allow paraeducators and assistants who are appropriately trained and supervised, in accordance with State law,



regulation, or written policy, to **assist in providing special education and related services** to children with disabilities under the Act. **However, this provision should not be construed to permit or encourage the use of paraeducators as a replacement for teachers or related services providers who meet State qualification standards.** (Emphasis added).

The *Analysis of Comments and Changes*, 71 Federal Register 46612 (2006) go on to state:

To the contrary, using paraeducators and assistants as teachers or related services providers would be inconsistent with the State's duty to ensure that personnel necessary to carry out the purposes of Part B of the Act that instructors are appropriately and adequately prepared and trained. Paraeducators in public schools are not directly responsible for the provision of special education and related services to children with disabilities; rather, these aides provide special education and related services to children with disabilities only under the supervision of special education and related services personnel...

...[I]t is critical that States that use paraeducators and assistants to assist in providing special education and related services to children with disabilities do so in a manner that is consistent with the rights of children

with disabilities to FAPE under Part B of the Act.

It is the role of both OSPI and the Professional Educator Standards Board (PESB) to establish and maintain qualifications that ensure school personnel, including paraeducators, providing special education services are appropriately qualified and paraeducators specifically must have the skills and knowledge necessary to meet the needs of students eligible for special education. [WAC 392-172A-02090](#).

According to [WAC 392-172A-02090\(1\)\(h\)](#):

Paraeducator staff and aides shall present evidence of skills and knowledge established under the rules of the professional educator standard board, necessary to meet the needs of students eligible for special education, and shall be under the supervision of a certified teacher with a special education endorsement, or certificated educational staff associate or a licensed staff, as provided in (i) of this subsection. Paraeducator staff assigned to Title 1 school-wide programs shall also meet ESEA standards for paraeducators.

Washington State has clearly defined how paraeducators can support the provision of specially designed instruction by following the standards of practice outlined by the PESB. [Paraeducator Board Standard 1.4](#) provides guidance for paraeducators supporting specially designed instruction for students receiving special education



services, requiring paraeducators to have the:

- Ability to implement instructional strategies and techniques that support specially designed instruction and specific learning needs as developed and directed by certificated/licensed staff.
- Ability to assist students with assistive technology as directed by certificated/licensed staff.
- Ability to assist in recording and maintaining data (e.g., academic, behavior, social/emotional, or health) to support IEP goals and behavior plans as directed by certificated/licensed staff.

Paraeducator Supervision

Paraeducators who assist with the provision of special education are required by law to be under the close supervision of a certificated teacher with a special education endorsement. Similarly, paraeducators who assist in the delivery of related services, are required to be supervised by a certificated educational staff associate (ESA). The supervising certificated special education teacher or ESA is responsible for designing and monitoring the delivery of specially designed instruction or related services, and monitoring student progress. In accordance with state and federal laws, the certificated special education teacher or ESA is required to monitor paraeducators' practices to ensure that the delivered services are compliant with the student's IEP and enable the student to make progress in their individualized goals. [WAC 392-172A-02090](#).

IV. FAPE Considerations for Districts and IEP Team

FAPE Considerations When Using Paraeducators

The U.S. Supreme Court determined that a district must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174 (2017). The IEP team must consider whether using a paraeducator to provide support or assist in the delivery of specially designed instruction is reasonably calculated for the child to make progress.

For paraeducators providing supports or instruction to students with disabilities, the overarching goal under IDEA is to meet the needs that result from each student's disability and to enable the student to meaningfully participate and make progress in the general education curriculum.

Courts, the Office of Civil Rights (OCR), and the U.S. Department of Education Office of Special Education Programs (OSEP) have found that public schools must supply paraeducator services if necessary, for FAPE, and paraeducators must be qualified.

Least Restrictive Environment (LRE) Considerations

[WAC 392-172A-02050](#) through [392-172A-02070](#) specifically outline the least restrictive environment (LRE) requirements. Under [WAC 392-172A-03110\(2\)\(b\)\(ii\)](#), personnel supports, supplementary aids and services, or modifications, including supports for the



teacher, must be provided when necessary for the student to benefit from their educational program. Removal from the regular education environment may occur only if the nature or severity of the disability is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily. Paraeducator support is one example of supplementary aids and services that may be necessary to ensure a student with a disability has access to participation and progress in the general curriculum, but is not the only option.

Student Independence

IEP teams often conflate LRE with the impact a paraeducator can have on a student's independence. For example, an IEP team rejected a parent's request for a paraeducator, specifically a 1:1 paraeducator, stating a 1:1 paraeducator is "the most restrictive level of service" and a 1:1 paraeducator makes the placement more restrictive (Special Education Citizen Complaint (SECC) 17-49), which is not correct. Paraeducator support is an example of a supplementary aid and service that may be necessary to ensure a student has more access to a general education (less restrictive) setting. Paraeducator support is not a placement option on the continuum of alternative placements.

Paraeducator support is designed to be given at the least intrusive level possible for each individual student to be successful. This requires frequent monitoring utilizing student progress data. Research shows that an overreliance of paraeducator support or

pattern of over prompting can lead to prompt dependency and decreased student outcomes. (Giangreco & Broer; Giangreco, Suter, and Doyle, 2012). IEP teams should consider:

- What is the plan to monitor the student's progress toward the goals to be addressed by the assignment of the one-to-one and the student's continuing need for the one-to-one?
- What is the plan for progressively reducing the support provided to the student and their independence on an aide over time?

Access to Instruction from Certificated Staff, Content Area Experts

Researchers also noted that levels of paraeducator support that surpass student need can reduce a student's access to their non-disabled peers, general education teachers, and meaningful participation in the general education environment. Researchers recommend districts incorporate the use of a screening tool as a mechanism to consider incorporating alternatives to student supports prior to determination of assignment of a 1:1 paraeducator (Giangreco & Broer; Giangreco, Suter, and Doyle, 2012).

Consider the need for expert consultation when developing programs for students with complex needs. Paraeducator support should be deployed and continually adjusted by a special educator through the collection of student progress data. If the support is not sufficient for the student to make progress, the services/interventions need to be revisited and modified and/or intensified.



Decision Making Model

A recommended decision-making model is one that reviews the intensive needs of a student, such as through an intensive needs checklist. This model increases awareness of roles and responsibilities of those involved and clearly outlines the extent that the paraeducator support will increase student progress, access to the general education setting, and independence. Also included in the model should be a focus on what the student can or cannot do and the extent assistance is needed and may include a student ability and assistance needs matrix. Another component of the model should include a plan that includes when, where, and how the paraeducator will support and how the team will move towards independence, which may include a formal plan for assistance document. Utilization of this type of model will allow the district to provide support based on student need as opposed to perceived need. Assurance that the model or plan includes opportunity for natural supports through peers, including peer modeling is also an imperative component to a paraeducator model for student success. Please refer to the companion document for detailed information about planning for fading of paraeducator support.

IEP Questions to Determine Paraeducator Support

To determine the parameters of needed paraeducator support, the IEP team should consider the following questions:

- What is the independence function and scope of paraeducator support to further the implementation of student learning after the teacher provides instruction?
- Will the assigned paraeducator meet all general professional development requirements for employment and their assignment, or will they need additional training?
- Has the paraeducator been adequately prepared and trained to implement all their responsibilities? How is this determined and documented?
- Will the paraeducator require any specific staff support, training or professional development to implement a student's IEP?
- Has the student's instruction provided by the paraeducator been designed by the special education teacher or the educational staff associate? How will you ensure that this occurs on an ongoing basis?
- How will proper supervision be provided to the paraeducator to ensure a student's IEP is implemented as written? How is this documented?
- Are the services from a paraeducator based on evidence-based best practices?
- How are the services from a paraeducator reasonably calculated to enable the student to make appropriate progress?
- What is the plan for progressively reducing the support provided to the student and his or her dependence on a paraeducator over time?



V. Employment Considerations and Professional Development Certificates

A "certificate of completion" for paraeducators may be obtained from OSPI as long as minimum employment requirements and [Fundamental Course of Study](#) (FCS) requirements are first met.

The minimum requirements as per [WAC 179-03-020](#) are that paraeducators must be at least eighteen years of age and hold a high school diploma or its equivalent and meet one or more of the following:

- Have received a qualifying score on the education testing service paraeducator assessment as published by the professional educator standards board; or
- Hold an associate degree or higher from an accredited college or university; or,
- Have earned 72 quarter credits or 48 semester credits at the 100 level or higher at an accredited college or university; or,
- Have completed an apprenticeship as a paraeducator in a program registered with the Washington State Apprenticeship and Training council.

Districts are required to provide 14 hours (two days) of professional development on the FCS to their paraeducators. Once a paraeducator completes the FCS (28 hours of training), a paraeducator is required to attain the General Paraeducator Certificate within three years with training provided by the district, when funding is provided by the

Legislature. A paraeducator may choose to obtain a subject matter certificate after completing the FCS. Subject matter certificates include certificates in English Language Learning or Special Education, each with a 20-hour training time. An advanced paraeducator certificate is available after obtaining the [General Paraeducator Certificate](#) and is a 75-hour training requirement.

VI. Conclusion

Paraeducators are integral members of the school community and student learning environments. Many student IEPs would be impossible to implement without paraeducator support. When making decisions about paraeducator support, IEP teams will make decisions by focusing on the individual needs of a student in their learning environments. There is also a larger shared responsibility of school systems and IEP teams to make systematic and data informed adjustments to the characteristics of the school, classroom, curriculum, instruction, and home-school collaboration to support inclusive and differentiated support for all students in the general education environment. It is often adjustments in these aspects of schooling that can help all students succeed alongside their peers in the general education classroom and saves our limited paraeducator resources for students who require their services in order to progress toward meeting their IEP goals.



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Note: This TAP provides general guidance about paraeducator requirements contained in IDEA, Part B and state regulations. It should not be interpreted to provide legal advice and it does not replace careful review of the regulations.

All TAPs are posted on the OSPI website at [OSPI Special Education Resource Library](#).

To request this material in an alternative format, or ask questions regarding this TAP or about special education services, please contact:

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Appendix A: Evidence-Based Best Practices for Planning Paraeducator Support

Appendix B: Resources

[OSPI Special Education Resource Library](#)

[OSPI Certification](#)

[Professional Educators Standards Board](#)

[Title I, Part A Guide to Paraeducator Requirements](#)

[The Paraprofessional Resource & Research Center](#)

[Northwest Regional Education Laboratory](#)

[National Resource Center for Paraeducators](#)

[Guidelines for Selecting Alternatives to Overreliance on Paraprofessionals](#)

Appendix C: References

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Technical Assistance Paper No. 6

November 2020

Page 11



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Rules for the Provision of Special Education [Chapter 392-172A WAC.](#)

[Special Education Paraeducator Standards of Practice.](#)

