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Bureau of Special Education FY'18 Memo #2

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To: Superintendents of Schools
Special Education Directors

From: Office of the Commissioner of Education

Division of Educational Improvement
Bureau of Special Education

RE: The Role of the Paraprofessional ~ New Hampshire Standards for the Education of Children with Disabilities Ed 1113.12(b)(5) and(c)(4)

The New Hampshire Department of Education (NHDOE), Bureau of Special Education is providing guidance on New Hampshire Rules for the Education of Children with Disabilities Ed 1113.12 Personnel Standards, (b)(5) and (c)(4) which is newly adopted language regarding paraprofessionals providing services to children with disabilities.

Ed 1113.12 (b) outlines what services paraprofessionals can provide. The following is the stated rule:

(b) Paraprofessional personnel providing services to children with disabilities shall:

- (1) Work under the supervision of a certified special education teacher;
- (2) Be supervised and observed by a certified special education teacher under whom they work as often as deemed necessary by the LEA, but no less than once each week;
- (3) Implement a plan designed by the certified educator;
- (4) Monitor the behavior of children with whom they are working; and
- (5) Assist in the provision of special education and related services.

Input from the field suggested that there may have been some confusion as to what specifically the role of paraprofessionals may be with regard to the provision of special education and related services. Ed 1113.12(b)(5) clearly delineates that a paraprofessional may assist in the provision of special education and related services which is supported by language in the Individuals with Disabilities Education Act (IDEA) 2004.

In IDEA, 34 CFR 300.156(b)(2)(iii) specifically allows paraprofessionals 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. This provision should not be construed to permit or encourage the use of paraprofessionals as a replacement for teachers or related service providers who meet State qualification standards.

Further clarifying the role of a paraprofessional, Ed 1113.12(c) outlines what services paraprofessionals cannot provide. The following is the stated rule:

- (c) Paraprofessional personnel providing services to children with disabilities *shall not*:
- (1) Design programs;
 - (2) Evaluate the effectiveness of programs;
 - (3) Assume responsibilities of a teacher or a substitute teacher; or
 - (4) Instruct a child with a disability

The Federal Register, Vol. 71, No. 156 /Monday, August 14, 2006, supports the clarifying language in Ed 1113.12(c)(4) in that several commenters requested guidance on the appropriate use of paraprofessionals to ensure that paraprofessionals and assistants are not used as a means of circumventing certification and licensing requirements for related services providers. Many responses in the Federal Register support the fact that paraprofessionals employed in public schools are not directly responsible for the provision of special education and related services to children with disabilities, but rather assist only under the supervision of certified special education and qualified related services personnel.

Some school districts have requested clarification about whether a paraprofessional who has specialized training may provide a particular methodology under the supervision and observation of a certified teacher. As per Ed 1113.12 (b)(1) and (2) a paraprofessional may provide a particular methodology as long as they work under the supervision of a certified special education teacher, and are supervised and observed by the certified special education teacher no less than once each week.

For further clarification regarding the role of the paraprofessional, please contact Bridget Brown at Bridget.Brown@doe.nh.gov / (603) 271-3776.