

SFUSD PROCEDURAL GUIDELINES FOR THE DETERMINATION OF ONE-TO-ONE PARAPROFESSIONAL SUPPORT THROUGH THE IEP

I.

INTENT

The over-arching goal for all students with disabilities under the Individuals With Disabilities Act is to encourage, promote and maximize independence.¹ For all students, one-to-one paraprofessional support may only be included in the IEP within the context of this goal. Thus, when a one-to-one paraprofessional is assigned to assist the student in fulfilling an IEP goal or goals (e.g., behavioral, self-help, academic, communication, etc.) the annual IEP goal(s) for which the paraprofessional will provide support should reflect as much independence as is appropriate for the student; and short-term objectives or benchmarks should be written to reflect increased independence, as appropriate for the student, until the annual goal is reached.

II.

LAW

State and federal special education laws require that all students with disabilities, *to the maximum extent appropriate*, be educated with their regular education peers, and participate in nonacademic and extracurricular activities. Removal from the regular education environment may only occur 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. In making program and placement decisions, the IEP team must consider a continuum of program options, and select the option that is the least restrictive environment (LRE), in which the goals and objectives of the student can be met. If supports, services² or modifications are needed in order for the child to benefit from his/her educational program, including supports for the teacher, these must be provided.

¹ 20 U.S.C. § 1400 (c) (1); 34 CFR § 300.1. See also Appendix A to the federal regulations, section III (Fed Register, (Vol. 64 , No. 48); p. 12474.

² "Services" means related services/DIS

No student may be denied the benefit of appropriate placement in the LRE merely because he/she needs additional supports/services; and supports, modifications and accommodations are always within the prerogative of the IEP team.

The comments to the federal special education regulations³ describe LRE and placement as follows:

[The IDEA's] LRE principle is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully. Even though *IDEA does not mandate [general] class placement for every disabled student*, IDEA presumes that the first placement option considered...is the school the child would attend if not disabled....Thus, before a [student with a disability] can be placed outside of the [general] educational environment, the full range of supplementary aids and services that would facilitate the student's placement in the [general] classroom setting *must be considered*.

The consideration of supports and services must be made for each of the placements along the continuum. Thus, for example, if an IEP team is considering placement in a nonpublic school or residential setting, it must have considered the ability of the student to learn in an SDC with supports and services and have determined that such cannot be achieved satisfactorily in the SDC.⁴

The following guidelines address the assignment through the IEP process of one-to-one paraprofessional support to individual students. These guidelines must be followed at each annual IEP meeting or sooner if determined necessary by the IEP team. *It should also be noted that paraprofessionals, including those who provide one-to-one support, are always assigned to a classroom(s)/school site and not to individual students.* A student requiring one-to-one support services may receive such support from one or several paraprofessionals, depending upon the individual needs of the students and the support services at the school. It should also be noted that one-to-one paraprofessional support does not, in all cases, mean for the entire school day. The amount of time a student needs such support is determined by the IEP team based upon the individual needs of the student and the student's IEP goals and objectives.

III.

GUIDELINES

A. Some Examples of Appropriate Use of Paraprofessional Support

³ Federal Register, March 12, 1999 (Vol. 64, No. 48)p. 12471.

⁴ "Consider" does not mean that an IEP team must actually try the student in all placements along the continuum. It does mean, however, that the IEP team must use its best judgment, based upon knowledge of the student, to select the appropriate learning environment for the student.

1. Placement in the general education classroom

The use of a paraprofessional is but one support/service that may permit a student to achieve satisfactory progress and participate in a less restrictive environment. Unless a one-to-one paraprofessional is assigned with the goal of fostering independence, such a support can actually restrict the student's access to the general curriculum, social opportunities and other benefits of being assigned to a general education classroom. An IEP may include one-to-one paraprofessional support only within the context of IEP goal(s) and objective(s) that are written to reflect attaining as much independence in the performance of the goal(s) and objective(s) as is appropriate for the student. The IEP must also include a schedule for evaluating the student's performance on meeting the goal(s) and objective(s) and for withdrawing/fading the support, as appropriate.

2. Assistance for inexperienced teachers

The law requires that teachers be given the necessary supports to assist *a particular* student in benefiting from his/her IEP. Where a teacher is new, has little experience with a type of disability, or is lacking classroom management skills, a paraprofessional may be necessary to assist the teacher for a limited, specified period of time *in addressing the needs of a particular student*. However, *no paraprofessional can be assigned in this case without a training plan for the teacher and a schedule and method for evaluating the teacher's performance and withdrawing/fading the support*.

3. Assistance in addressing behavioral problems

To implement behavioral plans for students with serious behavioral problems, it is often necessary to have a paraprofessional present to intervene and record responses to the intervention, etc. *Paraprofessional support may only be included in an IEP as a behavioral aide if the student has a detailed behavioral intervention plan that includes a schedule for evaluating the plan and withdrawing/fading the support, as appropriate*.

4. Medically/physically fragile students

A very small percentage of the school population will require part-time or full-time assistance. Students who are on ventilators, have serious seizures, allergic reactions or are subject to other life-threatening events may need the supervision of a nurse/paraprofessional, as specified by the IEP team in accordance with medical protocols. Other students with serious physical limitations may need relatively constant supervision and assistance with turning pages, completing assignments, self-care such as eating and toileting, and travel from one location to another. *However, even in these instances, paraprofessionals must never be provided on a one-to-one basis without first considering less intrusive alternatives that do not compromise the student's safety or ability to fully participate, and without a written plan to ensure that the student is permitted to do as much for himself/herself as is possible. In addition, it should never be assumed that these students will need such supports in perpetuity, absent medical evidence to the contrary; and the goal should always be to foster as much independence as is possible and appropriate for the student*.

B. Some Examples of Inappropriate Use of Paraprofessional Support

1. The teacher refuses/is unable to modify his/her method of instruction/classroom management

The law requires that teachers be given the necessary supports to assist *a particular student* in benefiting from his/her IEP. *However, no paraprofessional can be assigned in this case without a training plan for the teacher and a schedule for evaluating the teacher's performance and withdrawing/fading the support.* In such instances, administrative remedies should be considered; e.g., Peer Assistance Review (PAR).

In every case, the first steps before assigning a one-to-one paraprofessional are to (1) carefully define the student's/teacher's need, and (2) then review all existing staff, programs and resources at the school site. This review must include a review of general, as well as special education, resources; and should consider such alternatives as peer support for the student, the use of existing paraprofessionals at the school site, and mentoring and other collaborative models for teacher support. A decision to assign a one-to-one paraprofessional may never be made outside of the IEP process. In all instances, the final decision must involve the appropriate Program Consultant. Where appropriate, a training plan for the teacher and a plan for withdrawing the support shall be developed.

2. Student groupings

If the grouping in a classroom is such that the teacher, no matter how experienced, cannot meet the needs of the students without numerous one-to-one paraprofessionals, the grouping may be inappropriate to begin with and the classroom composition might be rethought. However, the first step should always be to consider existing school staff and resources that might be put together in a collaborative way to assist the teacher, e.g., review of existing paraprofessional schedules in the school, peer support from general education, etc.

3. Disability/Placement stereotyping

Merely because a student is, for example, a student with a cognitive impairment or a student included with his/her non-disabled peers does not compel the conclusion in every case that he/she requires one-to-one assistance or any given program that is based upon such a model. Every student's needs must be addressed individually, and determinations must be based upon the student's needs, not labels or packaged programs.

4. Transitioning

It should not be assumed that a student in transition from one program option to another (e.g., preschool to kindergarten, RSP to SDC, etc.) will automatically require the assistance of a one-to-one paraprofessional. The "need" should first be carefully defined, and all alternatives to meet the need considered before determining that a paraprofessional is the only answer.

C. Procedures for the Assignment of One-to-One Paraprofessionals

In every case, the first steps before assigning a one-to-one paraprofessional are to (1) carefully define the student's/teacher's need, and (2) then review all existing staff, programs and resources at the school site. This review must include a review of general, as well as special education, resources; and should consider such alternatives as peer support for the student, the use of existing paraprofessionals at the school site, and mentoring and other collaborative models for teacher support. A decision to assign a one-to-one paraprofessional may never be made outside of the IEP process. In all instances, the IEP process must involve the appropriate Program Consultant.

1. Teacher initiated requests

(a) Prior to requesting an IEP meeting, if the teacher seeks the assistance of a one-to-one paraprofessional for a student, the teacher must contact the appropriate Program Consultant.

(b) The teacher must first contact the parent regarding the teacher's concern, and then complete the Schedule Analysis Form and submit it to the Program Consultant with the request for one-to-one paraprofessional support.

(c) The Program Consultant must review the Form, and meet with the teacher to consider other less intrusive alternatives; e.g., existing natural supports, peer assistance, other paraprofessional's schedules assigned to the school site, etc. The Program Consultant must also, in appropriate circumstances, observe the student and teacher in the classroom setting, consult with the parent, interview the student, and, if necessary, advise the principal on other supports the teacher may need to adequately perform his/her duties.

(d) After completing the steps above, the Program Consultant shall consult with the parent and then meet with the site administration to discuss the case and to review alternatives.

(e) If the teacher and Program Consultant, having considered the parent's input and in consultation with the site administration, determine that a one-to-one paraprofessional is the only reasonable alternative, an IEP meeting shall be scheduled. With the notice of IEP, the parent shall be given notice of the district's proposal to add a one-to-one paraprofessional in accordance with 34 CFR 300.503 (Attached as Notice to Parent/Guardian/Surrogate of Proposal/Refusal)⁵

(f) The Program Consultant must be present at the IEP meeting.

⁵ No final decision is made on this proposal until the IEP team has met and discussed the proposal thoroughly with the parent.

2. Parent initiated requests.

(a) If a parent requests one-to-one paraprofessional support during an IEP team meeting, the IEP meeting shall be postponed for a *specified* period of time⁶, and the parent shall be informed of the following, all of which shall occur:⁷

(i) The appropriate Program Consultant shall be contacted by the teacher;

(ii) A schedule Analysis form shall be completed by the school site staff;

(iii) The Program Consultant shall review the student's records including any assessment reports and medical protocols, observe the teacher and student in the classroom setting, and shall discuss alternatives and interventions with the teacher and the parent;

(iv) The Program Consultant shall meet with the site administration to discuss the case, alternatives, and parent input;

(v) In the event that the Program Consultant and teacher agree that other less intrusive measures will suffice, the parent shall be given written notice of the district's proposal to refuse the parent request in accordance with 34 CFR 300.503 (Attached as Notice to Parent/Guardian/Surrogate of Proposal/Refusal) when the IEP team reconvenes, and the public members of the IEP team shall discuss this with the parent at that time⁸;

(vi) The Program Consultant must be present at the IEP team meeting.

D. Required IEP Team Considerations And IEP Contents

1. Considerations

a. In every instance, the IEP team must consider less intrusive alternatives, such as redirecting the activities of current staff in the classroom, peer support, teacher skills and training needs, other site/district resources, and other placement alternatives, if necessary.

b. For students who are medically/physically fragile, the IEP team must follow medical protocols, and shall document the alternatives discussed (within the confines of the medical protocols) to ensure the safety of the student.

⁶ This postponement must not exceed the required timelines for conducting the IEP team meeting, unless the parent agrees to an extension of the timelines.

⁷ If the request comes from the parent before an IEP meeting is actually conducted, the activities listed in paragraph (a) (i) - (iii) shall be completed before the IEP team is held.

⁸ No final decision is made on this proposal/refusal until the IEP team has met and discussed the proposal thoroughly with the parent.

c. For students with serious behavioral issues, the IEP team must consider the requirements of the behavioral support/intervention plan, and must document the alternatives discussed for ensuring the safety of the student and others.

d. In all instances, the IEP team must consider the training needs of the paraprofessional.

e. To deny placement in the general education classroom, the IEP team must demonstrate:⁹

(i) Educational Benefits—The academic benefits the student will receive are equal to or better in the special education setting;

(ii) Non-Academic Benefits—The IEP team must be able to demonstrate that the student will *not* receive some benefit (e.g., social, language, etc.) from being educated with his/her regular education peers;

(iii) Effect on the Teacher and Children in the Regular Class—The IEP team must be able to demonstrate that the student's presence in the general education classroom will interfere with the teacher's obligation to teach other students or with the other students' ability to attend to their lessons.

Note: *The above is a "balancing" test. No one prong of the test is conclusive. The IEP team must consider the facts under each of the three prongs of the test, and if the reasons supporting placement in the general education classroom "outweigh" the reasons for a more restrictive environment, then general education classroom placement must be proposed.*

f. In determining whether an one-to-one paraprofessional is essential to the success of an "inclusion" assignment, the IEP team shall consider and document:

(i) Other alternatives that were considered, and if rejected, the reasons for the rejection;

(ii) The extent to which the IEP team believes that the one-to-one paraprofessional support may be faded over time, when the IEP team determines that one-to-one support is essential for initial transitioning;

(iii) How the paraprofessional will be used in the general education classroom to support the teacher and the student; and how the use of such support will enhance the student's inclusion in all general education activities and will avoid parallel teaching and other noninclusive practices.

⁹These are the tests for inclusion established by the Federal Ninth Circuit Court of Appeals in Sacramento *Unified School Dist. v. Holland*, 14 F.3d 1398 (9th Cir) cert. denied 512 U.S. 1207 (1994).

2. IEP Contents

a. Document Alternatives Considered. In every instance where a one-to-one paraprofessional is to be included in the IEP, the IEP team must document in the IEP other alternatives considered, and why they were rejected.

b. Goal(s)/Evaluation/Fading. The IEP must include: (1) student goals, objectives/benchmarks which reflect attaining independence from such support, as appropriate; (2) schedules for evaluating, more frequently than on an annual basis, as appropriate to the student's needs, whether these goals and objectives are being met; and (3) a plan for fading this support based upon the evaluation data. If however, the paraprofessional is assigned because of teacher inexperience or training deficiencies, the service shall be reviewed subject to the training plan and evaluation schedules *for the teacher*.

c. Frequency, duration and location. As with any support/service, the IEP must specify these components. However, no one-to-one paraprofessional support may be written in an IEP to exceed the annual review date, and renewal of such a service must be made, if at all, at the annual review.

d. "Inclusion" students. For students for whom the purpose of the paraprofessional support is inclusion in the general education classroom with one-to-one support, the IEP must contain documentation of the considerations in subsection 1-e, above. In addition, the IEP must include:

(i) A specific plan for fading the one-to-one support;

(ii) Academic goals and objectives that are comparable, to the maximum extent appropriate, to the curriculum goals of the grade to which the student is assigned.

e. Behavioral support. Where the purpose of the one-to-one paraprofessional is to support the student with serious behavioral problems, the IEP shall include a thorough Behavioral Support/Intervention plan specifying the duties of the paraprofessional in relationship to the teacher/other staff, and a specific plan for fading the support.

E. Getting To and From School/Therapies/School Events; Transportation

These guidelines also apply to providing one-to-one paraprofessional support for travel and transportation. Again, *paraprofessionals are assigned to buses, travel routes, and school sites, not to individual students*.

The same procedures in Sections C and D, above, are to be followed. However, in addition:

(1) When school bus transportation is indicated, the Program Consultant must consult with the Transportation Department on available routes with existing paraprofessional support; and any specific needs of the student (e.g., medical considerations, etc.); and

(2) A travel training goal and objectives/benchmarks and schedules for evaluating the goal and fading/withdrawing the support, as appropriate, shall be included in the IEP.