CHAPTER 1

Your Role as a Paraprofessional

Before we examine the acquisition and teaching of literacy skills, we must consider your position as a paraprofessional working under the supervision of a professional educator. We first provide the context for paraprofessionals working in the U.S. education system, including the legal requirements for your employment. Then we discuss the need for a clear definition of your roles and responsibilities and for supervision of your work, providing you with practical methods for performing your duties.

On completion of this chapter, you will be able to do the following:

■ Understand the context for your work as a paraprofessional. Your work is regulated by requirements of the No Child Left Behind (NCLB) Act, the Individuals with Disabilities Education Improvement Act (IDEA), and Section 504 of the Vocational Rehabilitation Act;
■ Explain the changes in paraprofessional roles and understand your responsibilities in support of literacy;
■ Understand and explain your responsibilities toward behavior management;
■ Know what it means to keep student information confidential and know how the Family Educational Records Privacy Act (FERPA) influences your responsibility.

PARAPROFESSIONALS IN THE UNITED STATES

Paraprofessionals are employed under such a variety of titles (see box) and by so many educational agencies that it is impossible to state exactly how many are currently working in the U.S. education system. There are certainly more than a million, and at least 90 percent of the public schools in America have at least one paraprofessional. On average, at least five special education instructional assistants per school work in special education assignments. In special schools there are usually several in each classroom, outnumbering teachers. But even in general education settings, most students will encounter a paraprofessional at some point during class time—and of course, during the lunch...
break and recess. The situation is similar in Canada, Great Britain, and Australia. Paraprofessionals are widely used and appreciated in these countries and are known by an even wider variety of titles (see box). In short, as a paraprofessional, you are part of a huge and important group of people entrusted with considerable responsibility and without whom the education systems of the United States and other countries could not be as effective as they are. Because this book addresses literacy skills, our emphasis will be on paraprofessionals with instructional duties, rather than on those whose roles are restricted to supervision (on school buses, in the lunchroom, or around the school premises). However, even those of you whose work is not directly related to instruction can use the principles that we describe here to enhance your work and interactions with students.

### Titles by Which Paraprofessionals Are Known

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<td>Aide</td>
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### Program and Funding Sources for Paraprofessionals

Several federal sources provide funds to assist children and adults, with a portion of these funds frequently being used to hire paraprofessionals. These sources of funding are:

- Special Education—IDEA
- Title I of the Elementary and Secondary Education Act (NCLB)
- Section 504 of the Vocational Rehabilitation Act
- English as a Second Language/English Language Learner/Bilingual Programs

### THE LEGAL BACKGROUND FOR PARAPROFESSIONALS

Three pieces of federal legislation have had a major influence on the employment of paraprofessionals in the United States—No Child Left Behind (NCLB), the Individuals with Disabilities Education Improvement Act (IDEA) and Section 504 of the Vocational Rehabilitation Act. We give a brief outline for each piece of legislation to show how they have influenced what you do and how they have led to changes in employment for paraprofessionals. In a later section of this chapter we also discuss FERPA and how it affects the confidentiality of the work you do as a paraprofessional.

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It is worth noting that each school district bears the responsibility for demonstrating that paraprofessionals are highly qualified—it is not your personal responsibility as a paraprofessional to demonstrate this. However, those wishing to be employed by a school district as paraprofessionals obviously have to show that they are already qualified in the required ways, and those who wish to retain their employment as paraprofessionals must also take some of the responsibility to acquire additional qualifications, because school districts often are unable to provide or fund all of the necessary training. Incidentally, NCLB also restated the need for professionally qualified paraprofessionals and the ways in which paraprofessionals can demonstrate highly qualified status. According to NCLB, paraprofessionals are ‘highly qualified’ for their responsibilities if

- they possess an associate’s (or higher) degree,
- they have completed two years of college (or earned an equivalent number of credits as determined by state standards), or
- they have passed an alternative assessment approved by the state.

### Overview of NCLB Requirements for Paraprofessional Qualifications

NCLB established new educational requirements for paraprofessionals. All paraprofessionals who work in a program that receives Title I funds and who provide instructional support (including support for special-needs students in schoolwide programs) must meet the new requirements. To meet the requirements, a paraprofessional must

- pass a state or local assessment designed to demonstrate knowledge of and the ability to assist in instruction of reading, writing, and math or reading/writing/math readiness,
- complete the equivalent of two years of study (as defined by the state) at an institution of higher education, or
- hold a two-year degree (or higher).

It is worth noting that each school district bears the responsibility for demonstrating that paraprofessionals are highly qualified—it is not your personal responsibility as a paraprofessional to demonstrate this. However, those wishing to be employed by a school district as paraprofessionals obviously have to show that they are already qualified in the required ways, and those who wish to retain their employment as paraprofessionals must also take some of the responsibility to acquire additional qualifications, because school districts often are unable to provide or fund all of the necessary training. Incidentally, NCLB also restated the need for professional educators—that is, teachers—to be highly qualified for their responsibilities. This is a part of the general move to enhance education for American children.

No Child Left Behind defines a paraprofessional as a person with an instructional role (excluding those with purely clerical or supervisory duties, such as lunchroom staff and school bus aides), and lists duties that would be considered appropriate for paraprofessional instructional staff to perform. NCLB emphasizes the role of the paraprofessional in providing support for basic literacy (reading and writing) and numeracy (math)—duties that were already assigned to Title I (the section of the legislation that addresses the needs of disadvantaged students) paraprofessionals prior to the passage of NCLB. What NCLB has done by restating these roles is to clearly define what is legally permissible, in terms of your role as a paraprofessional, and then to follow through on the logic by setting out the qualifications that can reasonably be expected of someone performing such a role. These sections of NCLB caused considerable consternation...
among paraprofessionals and their school district employers when they were first published, because so few paraprofessionals had attended college, let alone for the required two years. There had been well-established training programs and college courses for paraprofessionals in some parts of the United States for many years. Yet a large proportion of paraprofessionals had been hired on the basis of a high school diploma, General Educational Development (GED) test, or more obvious practical skills, such as proficiency in another language or prior experience with children or teens. And although NCLB offered the third option of an alternative assessment to demonstrate competency, essentially no such ready-made assessment existed at the time. This situation obliged school districts to set up or identify an alternative assessment system—a task that in reality requires considerable time and resources—within a relatively short time frame, to allow for the large numbers of paraprofessionals who were unlikely or unable to acquire the formal qualifications in the allocated time slot. The other major requirement of NCLB is that paraprofessionals must work “under the direction” of a professional supervisor. The law offers no details on the type or amount of direction that should be provided, but we will discuss the practical application of this requirement for supervision later in the chapter and again in Chapter 2. The associated boxes provide brief summaries of the sections of NCLB that are relevant to paraprofessionals.

It is worth noting that strictly speaking the requirements of NCLB apply only to paraprofessionals working in Title I programs. However, many of these programs are schoolwide, and the requirements of NCLB apply to all paraprofessionals working in schoolwide Title I programs, whether or not they are individually funded by Title I. In other words, if you are employed to provide special education or related services to a student with disabilities who attends a school that has a schoolwide Title I program, your school district is under the same obligation to demonstrate that you are ‘highly qualified’ as it is to demonstrate this for a paraprofessional who is employed directly by Title I. The same requirement applies to paraprofessionals who are hired and funded by English Language Learner (ELL) or Limited English Proficient (LEP) programs but who work in schoolwide Title I programs.

No Child Left Behind has identified the roles that are considered to be appropriate for paraprofessionals. It stipulates that paraprofessionals who “provide instructional support” include those who

1. provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher,
2. assist with classroom management, such as by organizing instructional materials,
3. provide instructional assistance in a computer laboratory,
4. conduct parental involvement activities,
5. provide instructional support in a library or media center,
6. act as a translator, or
7. provide instructional support services under the direct supervision of a highly qualified teacher [Title I, Section 1119(g)(2)].

NCLB also considered roles that are inappropriate for paraprofessionals. These have been identified in the law and clarified more specifically in the Non-Regulatory Guidance.

A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher. [20 U.S.C. §6319(g)(3)]

A. The teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working; and
B. The paraprofessional works in close and frequent proximity with the teacher. [Title I Paraprofessionals Non-Regulatory Guidance (U.S. Department of Education, March 1, 2004)]

Each district receiving Title I funding must ensure that a paraprofessional working in a program supported by such funds is not assigned a duty inconsistent with the provisions of NCLB. [20 U.S.C. §6319(g)(1)]
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The Individuals with Disabilities Education Improvement Act (IDEA)

Another major piece of U.S. federal legislation that has affected paraprofessionals in recent years is the Individuals with Disabilities Education Improvement Act of 2004. This piece of special education legislation began as the Education of All Handicapped Children Act (EAHCA) of 1975 and subsequently developed into Public Law 94-142 (PL 94-142) or the Individuals with Disabilities Education Act of 1994. Reauthorized in 1997, it has most commonly been known as IDEA '97. Even since its reauthorization in 2004 as the Individuals with Disabilities Education Improvement Act, it has largely continued to be referred to as IDEA. We also refer to it as IDEA, because there is little difference between the 1997 and 2004 reauthorizations as far as paraprofessionals are concerned.

The purpose of IDEA is to make special educational provision for students who have recognized disabilities or any condition that restricts their ability to access the general curriculum alongside their nondisabled peers. Prior to the enactment of special education legislation in the 1970s, children with disabilities were not considered the responsibility of the education system, but received assistance, if any, through the department of health. There was no legal requirement for them to even receive an education, as they were largely considered to be “uneducable.” Since then, the special education system in the United States has developed into a comprehensive range of programs for students with wide-ranging disabilities from ages 3 to 22, with complementary programs for babies and children, as well as adult services and other post-secondary provision.

IDEA also contains language relating to paraprofessionals and their roles. It stipulates that paraprofessionals may assist in providing special education and related services to students, provided that they (the paraprofessionals) are “appropriately trained and supervised” according to state law. Again, these were roles that were already being assigned to paraprofessionals prior to the enactment of PL 94-142, but the statement of these roles within the language of the law provides a basis for determining whether school districts are acting within the confines of the law and sets the stage for any conditions under which these roles can be assigned. In other words, although it was not legal to employ paraprofessionals prior to the enactment of PL 94-142, it is now illegal to employ them if they are not “appropriately trained and supervised.” IDEA and NCLB are different in that IDEA does not define what it means to be “appropriately trained.” It does not specify levels of qualifications that paraprofessionals need in order to work in special education settings. However, NCLB and IDEA are alike in that they both state the need for supervision but do not define the quality or quantity of supervision. Both logic and ethics suggest that some training and supervision must be applied to your work as a paraprofessional, to ensure that you deliver services to students effectively.

In a support role paraprofessionals should not:

1. Prepare lesson plans;
2. Develop curricular materials;
3. Provide direct instruction in place of a teacher;
4. Introduce new content or skills;
5. Assign grades to students; or

Paraprofessionals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar programs are not considered to be paraprofessionals under NCLB. Also, paraprofessionals who only serve as translators or bilingual aides or only conduct parental involvement activities do not have to meet the additional NCLB qualification requirements. [20 U.S.C. §6319(e)]
State Responsibility Under NCLB

Each state educational agency (SEA) is responsible for establishing and maintaining qualifications to ensure that personnel necessary to carry out the IDEIA “are appropriately and adequately prepared and trained including that those personnel have the content knowledge and skills to serve children with disabilities.” [20 U.S.C. §1412(a)(14)(A)]

The standards must include qualifications for paraprofessionals and assistants to assist in the provision of special education and related services to students with disabilities under the IDEIA as long as they are appropriately trained and supervised in accordance with state laws, regulations, and written policies. [20 U.S.C. §1412(a)(14)(B)]

Each school district must also take measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities under the IDEA. [20 U.S.C. §1412(a)(14)(D)]

IDEA PRINCIPLES AND REQUIREMENTS

Even if you do not work in special education, you may well come across students who services due to IDEA, and you will certainly associate with other paraprofessionals who support such students. We have therefore provided a brief overview of the requirements of IDEA so that you can be familiar with its basic tenets and vocabulary.

According to IDEA, each child with a disability is entitled to a free appropriate public education (FAPE), but in order to qualify under IDEA, children with disabilities must meet three legal requirements. First, children must be between the ages of 3 and 21 (until they turn 22). Second, they must have a specifically identifiable disability (e.g., a learning disability, mental retardation, hearing impairments, a serious emotional disturbance, a traumatic brain injury, autism, or some other disability identified in IDEA). Third, the child who is qualified under these first two criteria must also need special education and related services in order to access an education.

IDEA is based on some basic principles or elements. Because many chapters have been written on these principles in teacher and leadership textbooks, we only briefly describe each here:

• **Free Appropriate Public Education (FAPE).** This concept is somewhat self-explanatory. Free is what you would expect. It means an education provided at no cost. Its importance for students with disabilities is twofold. First, it protects them from discrimination based on financial and other considerations—under this principle of IDEA, school districts cannot levy a fee to parents for educating their child with special educational needs, even if there are additional costs to a district for such things as adaptive equipment to support a student in accessing education. Second, a school district must ensure that the educational program it provides to a student with a disability is appropriate to the individual needs of that student. In other words, a district cannot merely provide generic services to students with disabilities but must tailor educational programs to individual needs. Part of the determination of whether a student is receiving a FAPE is based on compliance with the following principles:

  • **Least Restrictive Environment (LRE).** IDEA requires that the setting in which a student is educated should be as close to a regular education setting as possible, and the student should be in the company of nondisabled peers to the maximum extent appropriate. In other words, IDEA supports the idea of inclusive education. IDEA acknowledges that some students can be placed in special classes or receive their education in a separate (or restricted) setting, away from nondisabled peers, but only when the nature and severity of their disabilities is such that instruction in general education classes cannot be achieved satisfactorily, even with supplementary aids and services.

  • **Individualized Education Program (IEP).** As the name suggests, this principle requires that each student with disabilities have an education plan tailored to meet that student’s needs. The IEP is a written document and is a legally binding contract between the school district and the parent/student. It must be written in consultation with the parent (and the student, if he or she is able to contribute), it must be reviewed on a regular basis, and all
Free Appropriate Public Education (FAPE). A school district must ensure that the educational program it provides to a student with a disability is appropriate to the individual needs of that student and is free of charge to the family.

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Individualized Education Program (IEP). Each student with disabilities should follow an education program that has been tailored to meet that student’s needs, with a written document detailing the program.

Nondiscriminatory Evaluation. A comprehensive assessment of a student’s abilities and needs using tests that will not disadvantage the student.
Procedural Safeguards. School districts must follow the procedures prescribed by law and keep parents informed at each stage of the proceedings. Two safeguards are due process and mediation, a set of procedures that allow parents who are not satisfied with the services their child is receiving to mediate or—if the dispute is not resolved through mediation—to bring a complaint against the school district.

You may have noted earlier that we referred to special education and related services. Students with disabilities often receive both special education provision and related services, the latter being support that is not directly instructional but that helps the student to access their individualized special education program. These services may include:

- physical therapy or hydrotherapy for a student with physical limitations, to relieve joint stiffness and pain;
- speech and language therapy for a student with physical or cognitive disabilities relating to language;
- an interpreter for a student who is deaf or hearing impaired; or
- an assistive technology device to enable a student to grasp a pencil, sit more comfortably at a desk, or use voice-based software on a computer.

These and other related services allow students to access their educational programs more easily by lessening the effects of physical limitations and thereby allowing the students to concentrate more fully on cognitive tasks. In fact, students with the most severe disabilities may spend substantial portions of the day engaged in activities that are considered related services. Many paraprofessionals who work in special education settings are employed specifically to provide related services.

Section 504 of the Vocational Rehabilitation Act

Section 504 of the Vocational Rehabilitation Act of 1973 requires all organizations that receive federal funds to make their buildings and other facilities totally accessible—particularly for those with disabilities, but also for the general public. These organizations of course include schools and school districts, which receive considerable funds from a variety of departments in the federal government. We have already outlined the requirements of IDEA, which provides educational programs and services for students with disabilities. Some students with disabilities are not eligible for services under IDEA because their disabilities do not actually prevent them from learning, but they may be eligible for services under Section 504. Some of you who are reading this book may have worked as 504 Aides.

Section 504 of the Rehabilitation Act

“No otherwise qualified individual with a disability in the United States . . . shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . .”


For example, in some cases cerebral palsy severely limits both physical and cognitive functioning, but in other cases its effects are limited to spasticity in the limbs. Such a student may need to use a wheelchair but otherwise is well able to function academically and communicate adequately. Funds provided under Section 504 of the Vocational Rehabilitation Act may then be
used to support the student by paying for modifications to the classroom environment to enable the student to move around more easily, or by paying for the hiring of a paraprofessional to assist the student at times when physical limitations become problematic in relation to certain class activities. The student may be able to propel his own wheelchair for example, but activities that require prolonged propulsion may be too tiring. Section 504 is a civil rights law; its purpose is to protect people from experiencing discrimination due to their disabilities, to provide them with access to activities, and to remove obstacles. You can think of Section 504 as the law that makes schools add ramps and elevators to buildings to give disabled children access to the same educational opportunities that are available to nondisabled children. In many school districts paraprofessionals are hired under Section 504 funding to support students.

In sum, there are several important pieces of federal legislation that affect your work as a paraprofessional, even if you are not employed directly by the funding agency governed by that legislation. Each piece of legislation is of course designed to protect and support students as they access the school curriculum, which is precisely your role as a paraprofessional.

### Graphic Organizer 1.3

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### CHANGES IN PARAPROFESSIONAL ROLES

When paraprofessionals were originally employed in U.S. schools, beginning in the post-World War II years, their duties were largely clerical or housekeeping. They operated the ‘ditto’ machine, cleaned up after messy activities, generally kept the classroom tidy, and perhaps took responsibility for bulletin boards or simple classroom paperwork. This situation changed radically in the 1970s and 1980s as the first special education legislation was enacted (EAHCA) and students with disabilities entered the school system, necessitating a higher ratio of staff to students in special education classrooms. Although paraprofessionals working with these students continued to clean up messes and perform clerical duties, their assignments necessarily became more technical as they learned procedures such as suctioning and lifting techniques and provided the majority of the one-on-one help that special education students needed. Most paraprofessionals who worked with students in the early 1970s and 1980s will not be surprised to hear that, according to a research study, such students spent up to 84% of their time with a paraprofessional rather than a professional educator. Professional organizations and legislation have since restricted that practice.

The move towards inclusion of students with disabilities in regular education classrooms, which began in the 1980s, added to the responsibilities given to paraprofessionals. Instead of always working in the same physical space as their professional supervisor, they began to work more independently to support students in a variety of subject areas and in different parts of the school throughout the day. At first sight, it is often difficult to distinguish between a paraprofessional and a professional educator, as paraprofessionals have continued to accept increased responsibility and technically more demanding tasks. However, under the limitations of NCLB, you know that you are not to take the place of a teacher. This means that you cannot make decisions for the teacher. Here are other things that you cannot do:

- Do not give students their final grades, and especially avoid deciding whether or not a student should pass or fail.
- Do not take sole responsibility for contact with parents to discuss the student’s IEP, progress or placement decisions (e.g., placement in a Title I program or special education).
Mrs. Young’s Proven Teaching Tips

All children should have access to a free, appropriate public education. Not even one child should be left out. Work to find and support every single child!

Know Your Role as a Paraprofessional

The roles described in the legislation as appropriate for paraprofessionals are very general and would not be adequate as a job description or as a guide for what you should be doing during a typical school day. This is inevitable, as the description of the role must be general enough to provide guidelines for all paraprofessionals, but it needs to be translated into practical tasks and responsibilities before the job can be carried out. Additionally, even within programs, such as Title I or special education, individual paraprofessionals have very varied assignments. Seldom do two paraprofessionals in any school have the same job description, because tasks are assigned according to individual student needs. So even a phrase such as supporting reading instruction or providing one-on-one tutoring in early literacy skills is insufficient to describe what you specifically should be doing with and for an individual student during the school day. Notice that we refer to you as a paraprofessional with an individual assignment in the same sentence that we refer to individual students, because your role is determined by the needs of the individual students whom you support.

You probably have a job description—at the very least the one that was used to hire you, but more likely a more detailed one that has been drawn up in consultation with a school administrator or your supervising teacher. Find your copy and refresh your memory about what you should be doing. If you do not have such a document listing your duties, the first thing to do is to obtain one. The school where you work or the program under which you were hired may have a generic job description for all paraprofessionals, and this is a good starting point.

To-Do List:

• If you have a job description, review it carefully to be sure that you understand it.
• If you do not have a job description, ask your supervisor for one and review it carefully.

(Your supervisor may be a classroom teacher, or if you were hired by a program such as Bilingual Education, your supervisor may be located off the school premises.)