

Article 7 Section on Paraprofessionals: Effective August 13, 2008

511 IAC 7-36-2 Special education program personnel

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-35](#)

Sec. 2. (a) All personnel employed or contracted by a public agency to provide special education or related services must be appropriately licensed or certified and must have the content knowledge and skills necessary to provide the services for which the individual is employed or contracted in accordance with standards established by the department of education's division of professional standards or other applicable licensing and certification bodies. The person designated as a student's teacher of record shall:

- (1) for kindergarten through grade 12, be appropriately licensed in the area of the student's disability or, where appropriate state licensure is not available, appropriately trained; and**
- (2) for early childhood, hold an appropriate license to teach early childhood special education.**

(b) Special education teachers who teach in public elementary and secondary schools must:

- (1) meet the requirements of subsection (a); and**
- (2) with the exception of early childhood special education teachers, be highly qualified according to section 3 of this rule.**

(c) Related services personnel who deliver services in their discipline:

- (1) must meet the requirements of subsection (a); and**
- (2) may not have certification or licensure requirements waived on:
 - (A) an emergency;**
 - (B) a temporary; or**
 - (C) a provisional;****

basis.

(d) Personnel working with deaf or hard of hearing students who provide sign language transliteration and interpreting services must:

- (1) meet the requirements of subsections (a) and (c); and**
- (2) be certified to interpret in an educational setting.**

(e) Public agencies may allow paraprofessionals and assistants who are appropriately trained to work under the direction and supervision of:

- (1) licensed teachers;**
- (2) highly qualified teachers; or**
- (3) related services personnel;**

to assist students in areas that relate to personal, social, and educational needs.

(f) The public agency shall do the following:

- (1) Provide preservice and in-service training to paraprofessionals in the following areas:
 - (A) The role of the paraprofessional related to the role of the professional person providing supervision and direction.**
 - (B) The specific skills and content knowledge necessary to carry out the assigned responsibilities.**
 - (C) Information on the following:
 - (i) The specific special needs and characteristics of the students with whom the paraprofessional will be working.**
 - (ii) Special education procedures, including the confidentiality of personally identifiable information.******
- (2) Document, in writing, the training provided to paraprofessionals.**

Article 7 Section on Paraprofessionals: Effective August 13, 2008

(g) In addition to the requirements listed in subsections (e) and (f), paraprofessionals who provide instructional support in a program supported by funds from Title I, Part A of the Elementary and Secondary Education Act must have the following:

(1) A high school diploma as defined in 511 IAC 6-7.1-1(e) or its recognized equivalent.

(2) Paraprofessionals hired after January 8, 2002, must have achieved one (1) of the following:

(A) Completed two (2) years of study at an institution of higher education, as defined in [511 IAC 7-32-52](#).

(B) Obtained an associate's or higher degree.

(C) Met a rigorous standard of quality and be able to demonstrate, through a formal state academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

(h) A paraprofessional under subsection (g) does not have to meet the requirement in subsection (g)(2) if the paraprofessional is a person who:

(1) is proficient in English and a language other than English and acts solely as a translator to enhance the participation of limited English proficient students; or

(2) only conducts parental activities, such as a home school liaison.

(i) A paraprofessional under subsection (g) does not have to meet the requirements contained in subsection (g) if the paraprofessional:

(1) works in a Title I targeted assistance program, as opposed to a Title I school-wide program, unless the paraprofessional's salary is funded, in whole or in part, by Title I Part A; or solely provides personal care.

(j) Notwithstanding any other individual right of action that a parent or student may maintain under

this article, nothing in this article shall be construed to:

(1) create a right of action on behalf of an individual student or class of students for the failure of a public agency employee to be highly qualified; or

(2) prevent a parent from filing a complaint about staff qualifications with the division of special education under [511 IAC 7-45-1](#).

(Indiana State Board of Education; [511 IAC 7-36-2](#))