



## **Personnel Qualifications**

### **Qualifications for Related Services Personnel and Paraprofessionals (§300.156(b))**

#### **What the 2006 IDEA Part B Final Regulations Say**

The 2006 IDEA regulations removed the 1999 regulatory provision that required state education personnel standards to meet the highest requirement for a profession or discipline in that state. At the same time, the statute and the regulations removed the option that state requirements could be waived on an emergency, temporary, or provisional basis.

The final regulations allow the use of paraprofessionals and assistants, but require that they be appropriately trained and supervised (§300.156(b)(2)(iii)). The U.S. Department of Education (ED) points out in its Analysis of Comments and Changes that the act should not be construed to permit or encourage the use of paraprofessionals as a replacement for teachers or related services providers. ED further emphasizes that these personnel are not directly responsible for the provision of special education and related services to children with disabilities; rather, they provide services only under the supervision of special education and related services personnel.

#### **Implications for ASHA Members**

The danger in these changes is that local education agencies (LEAs) may be tempted to turn to state education agencies (SEAs) to lower personnel standards when faced with difficulties finding qualified personnel to fill vacancies. This could have grave consequences for the students receiving related services. Just as it is recognized that highly qualified classroom teachers are needed to maximize students' progress – and is mandated under the No Child Left Behind (NCLB) Act – so too are highly qualified related services providers needed to meet the challenges of today's complex and diverse student population.

The use of unqualified providers could lead to misidentification of students in need of special services, and could significantly impede the progress that students make in mastering specific skills and strategies as well as their application of those skills and strategies to academic achievement and functional performance. This short-term solution not only fails to meet student needs in an efficient and effective manner, but also can, in the long run, exacerbate the personnel shortage by inflating caseloads.

There is also a risk that some LEAs will turn to the use of paraprofessionals and assistants to help alleviate personnel shortages, inappropriately giving these individuals responsibilities beyond their training and scope.

## What ASHA Members Can Do

ASHA members must monitor local and state policies and practices regarding personnel standards to ensure that services are being provided by qualified personnel. They are encouraged to participate in state and local decision-making groups. If advocacy efforts are needed, there are three sections in the regulations that may be used to support efforts to maintain standards for highly qualified personnel:

- The SEA must establish and maintain qualifications to ensure that personnel are appropriately and adequately prepared and trained and have the content knowledge and skills to serve children with disabilities (§300.156(a)).
- States must adopt a policy that includes a requirement that LEAs take measurable steps to recruit, hire, train, and retain highly qualified personnel (§300.156(d)).
- States may reserve a portion of their allocations to assist LEAs in meeting personnel shortages (§300.704(b)(4)(vii)).

Members can also advocate for the use of many strategies that SEAs and LEAs have successfully implemented to recruit and retain qualified personnel. For further information, go to [www.asha.org/members/slp/schools/prof-consult/slp\\_recruitment.htm](http://www.asha.org/members/slp/schools/prof-consult/slp_recruitment.htm).

A small number of SLPs serve as classroom teachers for students with disabilities, providing primary instruction in the core academic subjects (e.g., English, reading or language arts, mathematics, science, foreign language, civics and government, economics, art, history and geography (see §300.10)). In these cases, NCLB requires that the SLP hold appropriate credentials in the subjects taught. Because of the wide variability of teaching credentials from one state to another, it is imperative that personnel understand the requirements for their states. For details in the regulations, see §300.18 and §300.156(c). Further information regarding NCLB, please visit ASHA's Web site at [www.asha.org/about/legislation-advocacy/federal/nclb](http://www.asha.org/about/legislation-advocacy/federal/nclb).