



Theses and Dissertations

2007-03-21

Legislation, Litigation, Regulation, and Implementation of Paraprofessional Supervision in School Settings

Sungti Hsu

Brigham Young University - Provo

Follow this and additional works at: <https://scholarsarchive.byu.edu/etd>



Part of the [Counseling Psychology Commons](#), and the [Special Education and Teaching Commons](#)

BYU ScholarsArchive Citation

Hsu, Sungti, "Legislation, Litigation, Regulation, and Implementation of Paraprofessional Supervision in School Settings" (2007). *Theses and Dissertations*. 831.

<https://scholarsarchive.byu.edu/etd/831>

This Thesis is brought to you for free and open access by BYU ScholarsArchive. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.

LEGISLATION, LITIGATION, REGULATION, AND IMPLEMENTATION OF
PARAPROFESSIONAL SUPERVISION IN SCHOOL SETTINGS

by

Sungti Hsu

A thesis submitted to the faculty of

Brigham Young University

In partial fulfillment of the requirements for the degree of

Master of Science

Department of Counseling Psychology and Special Education

Brigham Young University

April 2007

Copyright © 2007 Sungti Hsu

All Rights Reserved

BRIGHAM YOUNG UNIVERSITY

GRADUATE COMMITTEE APPROVAL

of a thesis submitted by

Sungti Hsu

This thesis has been read by each member of the following graduate committee and by majority vote has been found to be satisfactory.

Mar 14 2007
Date

March 14, 2007
Date

March 14, 2007
Date

Betty Y. Ashbaker
Betty Y. Ashbaker, Chair

Gordon S. Gibb
Gordon S. Gibb

Scott E. Ferrin
Scott E. Ferrin

BRIGHAM YOUNG UNIVERSITY

As chair of the candidate's graduate committee, I have read the thesis of Sungti Hsu in its final form and have found that (1) its format, citations, and bibliographical style are consistent and acceptable and fulfill university and department style requirements; (2) its illustrative materials including figures, tables, and charts are in place; and (3) the final manuscript is satisfactory to the graduate committee and is ready for submission to the university library.

March 14, 2007
Date

Betty Y. Ashbaker
Betty Y. Ashbaker
Chair, Graduate Committee

Accepted for the Department

Tina T. Dyches
Tina T. Dyches
Graduate Coordinator

Accepted for the College

Barbara Culatta
Barbara Culatta
Associate Dean, McKay School of Education

ABSTRACT

LEGISLATION, LITIGATION, REGULATION, AND IMPLEMENTATION OF PARAPROFESSIONAL SUPERVISION IN SCHOOL SETTINGS

Sungti Hsu

Department of Counseling Psychology and Special Education

Master of Science

Since the reauthorization of the No Child Left Behind Act (NCLB) of 2002 and the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004, there is a strong emphasis on the supervision of paraprofessionals who provide instructional assistance to classroom teachers. Scholars have stressed and litigation has highlighted the importance of paraprofessional supervision. However, there is limited information regarding the definition of supervision, who should and how that supervision should happen. The NCLB and IDEIA legislation leaves room for states to establish state regulation and litigation to interpret supervision. This study explored the current litigation and scholarly works concerning how states interpret supervision for paraprofessionals who work as instructional aides. This study identified what states list on their websites in response to federal mandates. It attempted to answer six key study questions: 1) do states have policies or regulations concerning paraprofessional

supervision?, 2) how does each state define "direct supervision"?, 3) who holds the responsibility for paraprofessional supervision?, 4) what are the procedures for paraprofessional supervision?, 5) what competencies supervisors should acquire before being appointed?, and 6) how is appropriate supervision demonstrated? By searching State Departments of Education websites and analyzing policies and regulations found within these websites only 18 out of the 50 states and the District of Columbia listed information. The interpretations of *direct supervision* varied from state to state. States also did not agree on who should take the responsibility, the procedures of how to supervise, necessary competencies of supervisors, and demonstrate appropriate supervision. Overall, there was limited information concerning this topic from State Department of Education websites.

ACKNOWLEDGMENTS

To Dr. Betty Ashbaker, my committee chair, you have been a great mentor and support in my completing this thesis. Thank you for believing in me and taking me in as your student. Thank you for teaching by building relationships through kindness, discussion, and friendship. Your support, encouragement, and trust were the keys for me to go through this thesis writing process. Thank you for the genuine love you continually share with me. Thank you also for providing professional opportunities and encouraging me to take them. Your example has been powerful.

To Drs. Gordon Gibb and Scott Ferrin who served on my thesis committee. You also provided support and encouragement as I completed this thesis. Thank you for believing in the importance of my topic, all the support you gave, and expertise you shared.

To my parents, thank you for instilling in me the importance of education. Thank you for understanding my desires to come to the United States to study.

To my friends, thank you for being there for me when I needed someone to listen.

Most of all, I would like to thank my dear wife. To Jennifer, I could not have completed this project without your love. Thank you for your willingness to double check my writing so people can understand it. Thank you for your encouragement, your support, and all the things you have done so that I could be in school.

TABLE OF CONTENTS

INTRODUCTION	1
REVIEW OF LITERATURE	3
Background Knowledge.....	3
Legislation and litigation.	3
Legal requirements for providing paraprofessionals.	6
Definition of paraprofessionals.....	7
Existing Data.....	10
Case laws.	10
Scholarly books and articles.	17
Statement of the Problem.....	26
Statement of Purpose	26
Research Questions.....	26
Importance of Study.....	27
METHOD	28
Participants.....	28
Procedure	28
Research Design and Data Analysis	28
RESULTS	30
Paraprofessional Supervision Regulations.....	30
Definition of Supervision.....	30
Procedures for Supervising Paraprofessionals.....	34
Responsible Personnel	36

Supervisor Competencies.....	36
Demonstration of Appropriate Supervision.....	38
DISCUSSION.....	41
Reflection on Research Questions	41
Question 1: Paraprofessional Supervision Regulations.....	41
Question 2: Definition of Supervision.....	41
Question 3: Procedures for Supervising Paraprofessionals.....	42
Question 4: Responsible Personnel.....	43
Question 5: Supervisor Competencies.....	44
Question 6: Demonstration of Appropriate Supervision.....	45
Limitations of this Research	46
Implications for Future Research.....	46
Implications for Practitioners.....	48
States.....	48
Districts.....	49
Schools.....	49
Conclusion	50
REFERENCES	51
APPENDIX.....	58
State Departments of Education Websites.....	58

LIST OF TABLES

TABLE	PAGE
1 Court Cases that Established a Need for Paraprofessional Supervision	12
2 Books on Paraprofessional Supervision.....	18
3 Articles on Paraprofessional Supervision	20
4 States' Regulations on Paraprofessional Supervision.....	31
5 States' Definitions of "Direct Supervision".....	32
6 States' Procedures for Paraprofessional Supervision	35
7 Designated Personnel for Paraprofessional Supervision	37
8 Competencies Required of Supervisors	39
9 Methods of Demonstrating Appropriate Supervision	40

INTRODUCTION

The recent trend toward increasing inclusion of students with disabilities in mainstream classrooms will generate additional demands on paraprofessionals in regular and compensatory education programs and classrooms, as well as on those who work in special education (Pickett, 2003). As paraprofessionals play more important roles in classrooms (French, 1998), especially in special education classrooms, some scholars have begun to ask if schools are letting the least qualified people teach students that need the most help (Giangreco, 2002; Mueller, 2005). In addressing this question, Congress, in the reauthorization of the Individuals with Disabilities Education Act of 2004 specifically added to “allow paraprofessionals and assistants who are appropriately trained and supervised...to be used to assist...” (20 U.S.C. §1412 (a)(15)(B)(iii)). The No Child Left Behind Act of 2002 (NCLB), signed by President George W. Bush on Jan. 8, 2002, which reauthorized and amended the Elementary and Secondary Education Act (ESEA), also requires that paraprofessionals are directly supervised (20 U.S.C. §6319(g)(3)(A)). Although most paraprofessionals are trained and given assignments to provide some type of instructional support (French & Pickett, 1997; Mueller, 2002; Passaro & Pickett, 1999; Pickett, Latham & HongBo, 1994), there is a lack of information on how they are directly supervised.

Researchers have stressed the importance of proper training and supervision of paraprofessionals (Salzberg & Morgan, 1995). However, limited emphasis has been placed on the actual supervision of the paraprofessionals who work closely with students. This study searched existing litigation and scholarly works only to find that virtually no direct instructions on supervising paraprofessionals have been given. Since few opinions have been given through litigation and only a small number of studies have been conducted to define supervision of paraprofessionals. There is a need for this study to investigate how each state defines supervision

of paraprofessionals as required in federal legislation, whether or not the states have policies that align with federal legislation, whose responsibility it is to supervise, and how to demonstrate proper supervision. Only when each state aligns their policies with the federal requirements can suggestions be made for administrators and teachers that are useful, practical, specific, and helpful. This research explored how each state interprets and implements the national requirements for supervising instructional paraprofessionals whom school districts contract in special education classrooms.

This study asked questions the following to examine the regulations of each state as it defines supervision of paraprofessionals in classrooms: 1) does your state have regulations regarding supervision of paraprofessionals that align with the federal requirements?, 2) does your state have a definition for supervision? If yes, what is the definition, 3) what are your state's regulations regarding how to supervise paraprofessionals?, 4) under your State guidelines, who has the responsibility to supervise paraprofessionals?, 5) what are the required qualifications of a supervisor of paraprofessionals?, and 6) how do paraprofessionals and supervisors demonstrate appropriate supervision? The results were reported for each state who had listed supervision regulations and/or guidelines on their official state website. Recommendations were made for administrators to consider to improve supervisory activities in school settings.

REVIEW OF LITERATURE

This section reviews the existing literature, legislation and litigation regarding the supervision of paraprofessionals in classrooms.

Background Knowledge

It is widely recognized that Public Law 94-142, now named the Individual with Disabilities Education Improvement Act of 2004, created educational rights for all children with disabilities (Martin, Martin, & Terman, 1996). However, it did not come until after much local and state litigation had occurred across the United States. This review looked at legislation, litigation, and legal requirements for providing paraprofessionals. It also reviewed books, and articles that gave existing information of paraprofessional supervision to establish a clear picture of what was suggested by the scholars.

Legislation and litigation. To begin, we discuss legislation and litigation regarding the establishment of special education to understand how paraprofessionals are introduced into school systems. At the national level, few federal laws authorized direct educational benefits to persons with disabilities prior to the 1950s. In their article, Martin, Martin, and Terman (1996) pointed out that there were legal statues in the mid-1800s providing grants to the states for residential asylums for the deaf and the dumb and to promote education of the blind (P.L. 34-5). Nevertheless, after these early efforts, the federal government had extremely limited involvement in public schooling. Some 150 years later, The National Defense Education Act of 1958 (NDEA) opened the door for federal involvement in elementary and secondary education by providing grants to improve science and math teaching in the early grades (Martin et al., 1996). The Elementary and Secondary Education Act of 1965 (ESEA) was the first major federal effort to

subsidize direct service to selected populations in public elementary and secondary schools and it remains the primary vehicle for federal support of public schools today.

While the legislation for educating individuals with disabilities took some time to develop nationally, the litigation in different states did not slow down. *Brown v. Board of Education* (1954), *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* (1971), and *Mills v. Board of Education* (1972) played important roles in shaping future legislation (Ashbaker & Minney, 2005; Zirkel, 2005). In the case of *Brown v. Board of Education*, the U.S. Supreme Court made it clear that schools receiving federal monies owed students the equal protection of the law without discrimination regarding to race. It established the important concept that segregation had no place in publicly funded education. The due process clause of the Fourteenth Amendment, quoted in *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* (1971), and *Mills v. Board of Education* (1972), was interpreted to give parents specific rights such as prior notice; to discuss changes in a child's educational plan before they occur; and to challenge decisions made by school districts that they disagree with. Subsequently, school districts must have justifiable reasons in order to remove students from regular classrooms. The idea later grew into what we know today as the least restrictive environment (LRE) for students with disabilities.

In responding to the rehabilitation of many soldiers at the end of World War II, Congress passed legislation prohibiting discrimination based on physical handicap in United States Civil Service (Colorado State University, 2005). Section 504 of the Rehabilitation Act (P.L. 93-112) in 1973 further stated any recipient of federal financial assistance (including state and local educational agencies) must end discrimination in offering its services to persons with disabilities (29 U.S.C. § 794(a)). With the efforts of all the legislation and litigation related to special

education, Congress passed Public Law 94-142, the Education for All Handicapped Children Act in 1975. This Act required that all students with disabilities receive a free, appropriate public education and provided a funding mechanism to help with the costs of offering such programs. The Act was later reauthorized and changed by amendments in 1983, renamed in 1990 as the Individuals with Disabilities Education Act (IDEA), reauthorized in 1997, and again reauthorized and renamed as the Individuals with Disabilities Education Improvement Act in 2004 (IDEIA). Congress not only reauthorized IDEA, they also passed an additional legislation for the benefits of Americans with disabilities in 1990—the American with Disabilities Act (ADA), which expanded the rights of people with disabilities by outlawing discriminatory practices in employment, public accommodations, transportation, and telecommunications. Efforts to protect the rights of individuals with disabilities are now in full swing. Not only are they protected by legislation from discrimination in both public and private sectors, but individuals with disabilities also benefit from related services provided, such as relay services for the deaf and lifts on buses for people with physical disabilities.

Although the U.S. Supreme Court in 1982 ruled in the case of *Board of Education Hendrick Hudson School District v. Amy Rowley* that Amy did not need the interpreting services and the school was not responsible for hiring an interpreter to maximize Amy Rowley's education, the result may have been different if Amy had not been achieving academically in school. Amy's parents may have lost her bid for interpreter services but her case has become a landmark case and established measurements for subsequent cases. It institutes standards in determining if an IEP is adequately calculated to provide the student with a basic floor of opportunity, and if the student needs related services in order to benefit from special education. The key question being asked in both *Irving Independent School District v. Tatro* (1984) and

Cedar Rapids Community School District v. Garret F. (1999) is whether the child needs the proposed service to benefit from special education. If the answer is yes, the school districts must provide the service as part of a free and appropriate public education. These litigations pushed Congress to further clarify issues related to related services when reauthorizing IDEA (Rothstein, 2000).

Legal requirements for providing paraprofessionals. Under IDEA, schools must provide related services needed for children to benefit from their schooling (20 U.S.C. § 1400(d)). Related services, including transportation and developmental, corrective, and other supportive services (school nurse and interpreting services are included in IDEA) are required to assist a child to benefit from special education.

As early as the mid-50s, the fledgling effort of parents to develop community-based services for children and adults with disabilities stimulated interests in the employment of teacher aides (Pickett, Likins, & Wallace, 2003). Later, Turney (1962) suggested use of paraprofessionals to free classroom teachers from routine and repetitive tasks so they could spend more time teaching students. During the 60s and 70s, many schools hired playground, hall, lunchroom, and bus loading zone supervisors (French, 1999) in response to federal legislation (e.g. Title I) that established and supported instructional and other direct services for learners from educationally and economically disadvantaged backgrounds (Pickett et al., 2003). According to Katsiyaannis, Hodge, and Lanford (2000) by requiring services for economically and educationally disadvantaged children and youth, and inclusion of children and youth with disabilities in general education settings, federal legislation increased the number of the paraprofessionals employed.

Historically, the provision of education services by paraprofessionals has resulted from national laws and regulations. After World War II, schools faced a shortage of teachers and sought alternative methods for providing education services. This was when teaching assistants were first introduced to the nation's schools. During the 1960s and 1970s, schools hired more paraprofessionals and expanded their roles because of demographic pressures and provisions in federal legislation such as Head Start and Title I (Pickett et al., 2003). Further specialization of paraprofessional roles occurred after the enactment of two additional federal laws: the Bilingual Education Act and the Education of the Handicapped Children Act (EHCA). The Bilingual Education Act's enactment in 1968 led to the hiring of bilingual teaching assistants to address the shortage of certified bilingual teachers, a practice that continues today. Another major expansion in paraprofessional employment occurred after EHCA's enactment in 1975, as schools and local education agencies struggled to provide individualized services for students with disabilities (Williams, 1991).

Definition of paraprofessionals. Concerns regarding training and effectiveness of paraprofessionals prompted legislation to define paraprofessionals' roles. In Title 1 Part A of the NCLB, *paraprofessionals* are defined as:

“[the persons] who provide instructional support,” and includes those who

- (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- (2) assist the classroom management, such as organizing instructional and other materials;
- (3) provide assistance in a computer laboratory;
- (4) conduct parental involvement activities;

- (5) provide support in a library or media center;
- (6) act as a translator; or
- (7) provide instructional services to students under the direct supervision of a highly qualified teacher.

It also states that:

[Paraprofessionals] may not provide any instructional services to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119 (20 U.S.C. §6319(g)).

Although IDEIA did not spell out the definition of a paraprofessional, it stated that the qualification for related services personnel and paraprofessionals should:

- (1) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services,
- (2) ensure that related services personnel who deliver services in their discipline or profession meet the requirements, and
- (3) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities (20 U.S.C. §1412 (a)(15)(B)).

In 2004, the *Occupational Outlook Handbook* from the U.S. Department of Labor stated that while some paraprofessionals performed exclusively non-instructional or clerical tasks, most of the paraprofessionals performed a combination of instructional and clerical duties. They generally provided instructional reinforcement to children, under the direction and guidance of

teachers. Paraprofessionals held almost 1.3 million jobs in 2002. This number was expected to grow somewhat faster than average job demand through 2012 (U.S. Department of Labor, 2004). Scholars recognized that paraprofessionals had become an important part of providing special education to students with disabilities (French, 2003, 2004; Gerlach, 2003; Pickett, 1996; White, 2004). The demand for paraprofessionals had also grown in general classrooms in helping classroom teachers in different capacities (Morgan & Ashbaker, 2001).

Although many paraprofessionals were working with students in special education and English as second language (ESL) classrooms, others were working in the regular classrooms under different funding (e.g. Title 1 and Section 504). Therefore, it was important to examine and compare the legislation to see the broader definition of the duties of paraprofessionals. In the non-regulatory guidance for Title 1 paraprofessionals, it states:

Paraprofessionals who provide instructional support must work under the direct supervision of a highly qualified teacher (20 U.S.C. §6319(g)). A paraprofessional works under the direct supervision of a teacher if (1) 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 (2) the paraprofessional works in close and frequent proximity with the teacher (§200.59(c)(2) of the Title 1 regulation). As a result, a program staffed entirely by paraprofessionals is not permitted.

A program where a paraprofessional provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom, or a program where a paraprofessional works with a group of students in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the

requirement that paraprofessionals work in close and frequent proximity to a teacher. (p. 10-11)

While the regulations did not specify what constitutes “direct supervision” and whose responsibility it was to supervise paraprofessionals under either NCLB or IDEIA, the non-regulatory guidance provided a partial definition. It stated that classroom teachers were responsible for supervising paraprofessionals who worked in their classrooms.

In the last half century the issues surrounding the employment, training, and supervising of paraprofessionals have been addressed to an increased extent (Morgan & Ashbaker, 2001; Pickett, 1997; Salzberg & Morgan, 1995). Moreover, French (2001) surveyed teacher supervisory practices and found that the majority of teachers interviewed did not plan for the paraprofessionals, and those who did plan only transmitted their plans orally. She pointed out that there was an absence of teacher preparation in paraprofessional supervision. Classroom teachers must remember that the legal and ethical responsibility for students’ instruction remains with qualified teachers (National Regional Education Laboratory, 1999).

Existing Data

The Individuals with Disabilities Education Law Report (IDELR) and West Law Report were sources that were searched to uncover how the legal authorities (e.g., Due Process Hearing Officers, Office of Civil Rights of the U. S. Department of Education, Courts) view classroom teachers’ legal and ethical responsibilities with regard to paraprofessional supervision and how “supervision” was defined.

Case laws. The IDELR topic index of “aides/paraprofessionals and related services” were searched using keyword parameters of “aide*,” “teacher’s aide*,” “paraprofessional*,” and “paraeducator*.” Administrative decisions as well as court decisions were included. A total of 11

cases and rulings were found and analyzed (see Table 1). In Pittsfield Public School (1992) a hearing officer found that the aide, with proper supervision and on-the-job training, could effectively perform the tasks of assisting students in the educational program.

Parents in *Allen v. Crawford* (1993) appealed a previous ruling because their child had reportedly been beaten in the bathroom by an aide. The appeals court concluded that there was no evidence that the teacher did not exercise ordinary care in the supervision of the aide and that she had any way of pre-determining that the incident would occur. The trial court's decision was affirmed.

In *Orange County (FL) School District* (1995), a complaint was filed against the Orange County School District because the district refused to renew a certain paraprofessional's contract. The paraprofessional claimed the district had refused to renew her contract because she had filed a grievance against the school district while employed by them. OCR concluded the complainant's contract was not renewed because she violated district policies issued by her supervisor, violated school and district policies, released confidential information, and made inappropriate comments to a student. Therefore, they were legitimate and nondiscriminatory.

Parents of a nine-year-old boy claimed that the assistant was not meeting his needs and asked for another assistant in *Los Angeles Unified School District* (1995). Based on the insufficient evidence that the assistant was excessively absent or tardy, and because a contingency plan was in place which provided for an alternative assistant to accompany the student during periods when the assistant was unavailable, that the parents' request for another special education assistant was refused.

The impartial hearing officer (IHO) in *Hingham Public Schools* (2000) opined that the student did not require an aide that had professional credentials—a master's degree to work with

Table 1

Court Cases that Establishing a Need for Paraprofessional Supervision

Cases	Summary	Decision
Pittsfield Pub. Schs. 18 IDELR 998 (MASS 1992)	Parents complained for a six-year-old student with severe developmental delays about the replacement of her one-on-one aide with a less experienced aide and claimed a denial of FAPE.	HELD For the district. The hearing officer found that with proper supervision and on-the-job training, the new aide could effectively perform the tasks of assisting the student in her educational program.
Allen v. Crawford, 20 IDELR 1115 (Ga. Ct. App. 1993)	A student with a disability was beaten in the bathroom by a special education teacher's aide, while the doors were closed. The parents of the student alleged that the special education teacher failed to properly supervise her aide and that as a result of her negligence, the aide struck the student. The aide was subsequently indicted on criminal charges. The trial court granted the teacher's motion for summary judgment, and the parent appealed.	HELD: For the teacher. The appeals court concluded that no factual issues remained on the negligent supervision claim. There was no evidence that the teacher did not exercise ordinary care in the supervision of the aide. Thus, the trial court's decision was affirmed.
Orange County (FL) Sch, Dist., 23 IDELR 51 (OCR 1995)	A complainant alleged that the school district refused to renew her contract as a paraprofessional in retaliation for filing a grievance asserting that district used excessive force in restraining a student with a disability.	HELD: For the district. OCR concluded that the reasons given by the district for the complainant's non-reappointment—conduct-related reasons—were legitimate and nondiscriminatory. Specifically, the complainant's contract was not renewed because she violated district policies issued by her supervisor, violated school and district policies, released confidential information, and made inappropriate comments to a student.
Los Angeles Unified Sch. Dist. 23 IDELR 579. (SEA CA 1995)	A 9-year-old student who had language and cognitive deficits and was classified as other health impaired due to various medical conditions including asthma, allergies, seizures, and infections attended a special day class with a one-to-one special education assistant. The student's parents alleged that the assistant was not meeting his needs and sought a new assistant.	HELD: For the district. The assistant's qualifications were not in dispute. There was insufficient evidence that the assistant was excessively absent or tardy, and a contingency plan was in place which provided for an alternative assistant to accompany the student during periods when the assistant was unavailable.
Hingham Pub. Schs. 33 IDELR 292 (MA 2000)	The parent of a 5-year-old student with Angelman syndrome requested due process because she believed the district was not providing the student with an aide with "professional status and experience" as required by the student's IEP. The student's condition caused severe learning problems and a seizure disorder. Therefore, the parent contended that the student	HELD: For the parent. The impartial hearing officer ordered the district to hire an appropriate aide with professional credentials. The district was not complying with the IEP's requirement to provide such an aide. The IHO opined that the student did not require an aide with professional credentials as the parents requested as long as the classroom teacher had experience and closely supervise the aide.

Table 1 (continued).

Cases	Summary	Decision
	required an aide not only with experience but a Masters degree as well. The district claimed that the aide it provided to the student was committed to her job and related well to the student.	However, that did not "negate [the district's] responsibilities regarding compliance with its agreed upon IEP."
Freeport Sch. Dist. 145, 34 IDELR 104 (SEA IL 2000)	Parents of an elementary school student filed a due process hearing because they believed that the district's selection of an aide denied the student FAPE, and the parents attempted to substitute the aide with another qualified individual.	HELD: For the district. The parents failed to prove that the student's aide either interfered with the implementation of his IEP or that she was a danger to the student. The evidence indicated that the student was progressing under his IEP. There was unanimous testimony by those individuals who had observed the aide that she was qualified, diligent and worked well with the student.
Independent Sch. Dist. No. 11, Anoka-Hennepin, 36 IDELR 81 (SEA MN 2001)	Parents argued that changes in the paraprofessionals deprived student of FAPE since they were not properly trained in use of Dyna-Vox/DynaMyte communication devices. School district maintained records that showed aides were properly trained and supervised.	HELD: For the district. A state review officer backed an IHO's determination that district paraprofessionals were appropriately trained to provide needed services to the student with disabilities.
Kurtz ex rel. Gann v. Unified Sch. Dist. No. 308, 36 IDELR 209 (D. Kan. 2002)	Parents of a student with LD claim for damages based on the district's negligent retention and supervision of a paraprofessional. A previous agreement to eliminate any contact with the student arose out of a need to protect the paraprofessional from the student's advances and because of the student's confusion about their relationship. Thereafter, the paraprofessional lied to her supervisor, claiming she was complying with the agreement not to see the student. Prior to the discovery of her inappropriate sexual relationship with the student, district officials only knew the student was "having some troubles" and that the problem would be remedied by avoiding contact with the paraprofessional.	HELD: For the district. Parents of a student with LD lost their claim for damages based on the district's alleged negligent retention and supervision of a paraprofessional. They failed to establish the district had any knowledge of the paraprofessional's "quality or propensity to sexually abuse one of her students." The court noted one of the elements of a successful negligent supervision claim, which is absent in this case, is a proof that the employer, by virtue of its knowledge of the employee's particular quality or propensity, had reason to believe that an undue risk of harm to others existed as a result of the continued employment of the employee.
Beaufort (SC) Country Sch. Dist., 40 IDELR 23 (OCRIV Atlanta SC 2003)	A special educator of children with emotional disabilities alleged that a district discriminated against students in her self-contained classroom by failing to provide them with FAPE. According to the teacher, the two assistants assigned to her class failed to follow her directions, which precluded the implementation of the	HELD: For the district. OCR found no evidence that the students' IEPs were not being implemented or that the students had been harassed. The district terminated the assistants' employment after their 90-day probation period because their work performance did not improve. According to the district, it had received no complaints about

Table 1 (continued).

Cases	Summary	Decision
	students' IEPs, and the paraprofessionals created a hostile environment by harassing the students.	harassment. OCR found no corroboration for the teacher's allegation.
Burton Glen Charter Academy (MI), 40 IDELR 269 (OCRXII Cleveland MI 2003)	A parent of a fifth-grader with an emotional impairment who alleged that the child's paraprofessional harassed him by making inappropriate remarks regarding his disability brought up the claim. The paraprofessional denied making inappropriate comments and stated the student threatened to have her and other staff fired based on notes he kept in which the student attributed to other students' comments to the paraprofessional.	HELD: For the district. OCR's interview with other staff indicated no one had observed the paraprofessional acting inappropriately. They had, in fact, observed the student being disrespectful to the paraprofessional. The principal, who made unannounced visits and observations, and although he did not observe inappropriate behavior, he spoke with the paraprofessional regarding her role and proper protocol for working with the student.
Sioux City Community Sch. Dist., and Western Hills Area Education Agency (AEA 12), 104 IDELR 10804 (SEA IA 2003)	Parents charged the school district failed to monitor and enforce the provision of IEP for a 7-year-old student with autism concerning regular classroom supports. School district argued that the paraprofessional—the student's mother—was monitoring progress.	HELD: For the parents in part. Paraprofessionals must work under the supervision of professionals. The professionals need to be appropriately authorized to provide direct services in the same area where the paraprofessional provides assistive services. Paraprofessionals should not serve as a substitute for authorized professional personnel.

the student—that the parents had requested. The IHO ruled that evidence showed the teacher had sufficient experience and closely supervised the aide.

In *Freeport School District* (2000), parents of an elementary school student filed a due process hearing because they believed that the school was denying their child free appropriate public education (FAPE) by serving the student with an unqualified aide. The school district prevailed because there was unanimous testimony from individuals who had observed the aide that she was qualified, diligent and worked well with the student.

Parents in *Independent School District* (2001) argued that changes in paraprofessionals deprived student of FAPE. The hearing officer concluded that the new paraprofessional was appropriately trained and qualified to serve the student. The IHO rejected the parents' contention the district was required to established personnel development procedures, noting the IDEA only imposed such obligation on SEAs. The record contained ample evidence the district provided sufficient training to its paraprofessional before they began work with the student. The district also followed up with additional training when it became available. However, the IHO did not review whether the paraprofessional had been properly supervised.

Another decision was ruled in favor of the school district in *Kurtz ex rel. Gann v. Unified School District* (2002) because the parents failed to establish that the district had any knowledge that the paraprofessional was sexually abusing one of her students. The court noted—in order to successfully support a negligence of supervision claim—parents needed to show that the employer (e.g. schools, school districts) had reason to believe that an undue risk of harm to others existed as a result of the continued employment of the employee. The parents were unable to show this.

An OCR ruling for the school district in *Beaufort (SC) Country School District* (2003) held in favor of the school district because the school was able to provide evidence that the district terminated two assistants' employment after their 90-day probation period. According to the teacher, the two assistants assigned to her class failed to follow her directions, which precluded the implementation of the students' IEPs, and created a hostile environment by harassing the students. This case raised questions of whether teachers should be authorized to supervise, how they should supervise, and if they are equipped with proper skills to supervise paraprofessionals in their classrooms.

In another case, the paraprofessional was found to have "no fault" in *Burton Glen Charter Academy* (2003) based on the observation made by the principal and other professionals in the school of the interactions between the student and the paraprofessional showing that constant supervision not only protects the students but also paraprofessionals, professionals, schools and districts.

Parents in the case of *Sioux City Community School District and Western Hills Area Education Agency* (2003) charged the school district failed to monitor and enforce the provision of the IEP for their child concerning regular classroom supports. The parents were able to provide evidence that paraprofessionals were not working under the supervision of professionals who are appropriately authorized to provide direct services in the same area where the paraprofessional provides assistive services. The court ruled in favor of the parents.

West Law Report was also searched online using keywords parameters as "teacher's aide*," "paraprofessional*," "paraeducator*," and "supervise*." The only result found was *Kurtz ex rel. Gann v. Unified School District* (2002) which was also reported in IDELR. In analyzing the cases reported in IDELR and West Law Report, there were no complaints concerning

instructional paraprofessionals being utilized in the classrooms specifically. However, the need to properly supervise paraprofessionals and keep records of supervisory activities were emphasized in the cases discussed above. Moreover, there was a lack of opinions noted in the litigation which define and clarify who should bare the responsibilities of supervision and how this person or persons should supervise paraprofessionals.

Scholarly books and articles. Giangreco, Edelman, Broer, and Doyle (2001) reported that despite the proliferation of paraprofessionals to support the education of students, it remains one of the least studied and potentially most significant aspect of education over the past decade. In following and expanding the review of literature conducted by Giangreco et al. (2001), 112 education related journals were identified through ERIC database from 1999 to present. While searching these journals, keywords “paraprofessional,” “paraeducator,” and “teacher aide” combined with “supervision” and “legal issue” were used. Five books (see Table 2) and seven articles (see Table 3) were found.

Ashbaker and Morgan (2006) in their book, titled *Paraprofessionals in the Classroom*, devoted one chapter to identifying the need for supervision; pointed out the importance of supervision as a requirement of the law; developed a strategy to protect all parties involved; and invited paraprofessionals to seek supervision proactively. In *The Complete Guide to Employing, Training, and Supervising Paraprofessionals*, Ashbaker and Minney (2005) indicated that paraprofessionals must work under the direct supervision of a teacher or other credentialed professionals and stressed the critical role the administrator played in supervising paraprofessionals in the building. Ashbaker and Minney (2005) also offered legal justification for paraprofessionals’ work in schools, guidelines for administrators when hiring paraprofessionals, and guidelines for paraprofessionals who work with students. Although

Table 2

Books on Paraprofessional Supervision

		Books:
Authors	Title	Summary
Ashbaker & Morgan	Paraprofessionals in the classroom	The authors identified the needs for supervision, and pointed out the importance of supervision as a requirement of the law. They see supervision as a strategy to protect all parties involved, and invite paraprofessionals to seek supervision proactively.
Ashbaker & Minney	Complete guide to employing, training, and supervising paraprofessionals	The authors offer legal justification for paraprofessionals to work in schools. They also developed guidelines for administrators when hiring paraprofessionals, and paraprofessionals who work with students.
French	Managing paraprofessionals in your school: How to hire, train, and supervise non-certified staff	The author makes suggestions on how to manage paraprofessionals in the classrooms, including strategies on how to conduct observations, documentation, and evaluation.
Marczely	Supervision in education: A differentiated approach with legal perspectives	The author gives a list of job descriptions for teachers in supervising paraprofessionals
Pickett & Gerlach	Supervising paraeducators in educational settings: A team approach (2nd ed.)	The authors provided samples of instructional/organizational areas in which paraprofessionals need to be supervised and checklists for supervisors to use when managing paraprofessionals.

Marczely (2004) did not make note in her book of the ways to supervise paraprofessionals in the classrooms, she recognized the need of supervising paraprofessionals by listing in the appendix activities teachers can do in their classrooms. Similarly, French (2003) also recognized the important roles paraprofessionals play in today's schools. In *Managing Paraprofessionals in Your School: How to Hire, Train, and Supervise Non-Certified Staff*, French (2003) made suggestions to administrators on how to manage paraprofessionals in the classrooms, including strategies on how to make observations, documentation, and evaluation. Pickett and Gerlach (2003) provided samples of instructional/organizational areas in which paraprofessionals need to be supervised and checklists for supervisors who manage paraprofessionals in their book *Supervising Paraprofessionals in Educational Settings: A Team Approach*.

In her article (2005), Etscheidt reported eight training and supervising related cases from IDELR; however, only one explicitly mentioned the need for paraprofessionals to be directly supervised by the professionals. Ashbaker and Morgan (2004) discussed the legal ramifications of paraprofessional supervision and gave examples of cases in making their claims to establish the need for supervising paraprofessionals who work in school systems. Trautman (2004) suggested some activities classroom teachers can do when managing paraprofessionals. She recommended that classroom teachers create a list of duties, schedules, and meetings to make sure classrooms run smoothly. Further, she recommended continuous evaluation of paraprofessionals and their performances. Wallace (2003) and Wallace, Shin, Bartholomay, and Stahl (2001) found there were different expectations among the persons responsible for hiring, the person evaluating performance, and the person directing day-to-day work with students when they are not the same person. This situation led to inappropriate assignments, lack of communication, and little planning between educators and paraprofessionals. Mueller (2002)

Table 3

Articles on Paraprofessional Supervision

Articles			
Authors	Title	Journal	Summary
Etscheidt (2005)	Paraprofessional services for students with disabilities: A legal analysis of issues	<i>Research and Practices for Persons with Severe Disabilities</i> , 30 (2), 60-80.	The author provided a legal analysis of administrative and judicial decisions concerning paraprofessionals. She proposed guidelines for ensuring appropriate paraprofessional involvement in educational programs for students with disabilities.
Ashbaker & Morgan (2004)	Legal issues relating to school paraprofessionals	<i>A Legal Memorandum: Quarterly Law Topics for School Leaders</i> , 1-7.	This article discussed the history of paraprofessionals in the classroom, and the changing roles of both paraprofessionals and teachers. It also discussed the implications of litigation concerning training and supervision of paraprofessionals.
Trautman (2004)	Preparing and managing paraprofessionals	<i>Intervention in School and Clinic</i> , 39(2), 131-138.	This article summarized current legislation concerning paraprofessionals and provides a list of activities school can do when hiring and managing paraprofessionals.
Wallace (2003)	Paraprofessionals	<i>COPSSE Document No. IB-3</i> .	This paper reviewed the history of the paraprofessional jobs and reviewed literature on supply and demand, preparation and training, and certification and licensure.
Mueller (2002)	The paraeducator paradox	<i>Exceptional Parent</i> , 32(9), 64-67.	The author pointed out some of the larger issues and growing concerns that surrounding the employment, training, retention, and support of paraprofessionals and offers a lists to help improve the situations.
French (2001)	Supervising paraprofessionals: A survey of teacher practices	<i>The Journal of Special Education</i> , 35, 41-53.	This study examined the practices of special education teachers with responsibility for the supervision of paraprofessionals. The results showed that few were trained to supervise or even be involved in the hiring process.
Wallace, Shin, Bartholomay, & Stahl (2001)	Knowledge and skills for teachers supervising the work of paraprofessionals	<i>Exceptional Children</i> , 67, 520-533.	The study identified the competencies teachers need to supervise or direct the work of paraprofessionals. Results of the study suggest that participants considered the competencies very important, but that these were not observed as frequently as rated by their importance would indicate.

also indicated many paraprofessionals received supervision from both special and general educators and yet were rarely observed and provided with corrective feedback. French (2001) examined the practices of special education teachers who had responsibilities for the supervision of paraprofessionals. Her findings showed the lack of systematic policies in districts and the absence of preparation of teachers to supervise paraprofessionals. This evident lack of systematic supervision was inconsistent with the intent of IDEIA and NCLB.

While leaving classroom teachers the freedom to decide how to supervise paraprofessionals when working with them, the lack of legal and practical guidance of paraprofessional supervision left school districts, teachers, and paraprofessionals vulnerable. The IDEA Partnership Paraprofessional Initiative Report to the U.S. Department of Education, Office of Special Education Programs (2001) identified supervision needs for:

1. Administrators to understand the differences in staff roles and responsibilities in order to develop staffing patterns to meet individual learners' needs.
2. Determining who is responsible for paraprofessional/assistant supervision (i.e., teachers, administrators, related services personnel) and when.
3. Training required to prepare all personnel for their roles and responsibilities as it relates to preparing professionals practitioners on how to supervise paraprofessionals/assistants.
4. Administrative support for time to plan, acquisition of appropriate equipment and resources, and development of professional environments for instruction.
5. Families to understand who is directing and monitoring the performance of paraprofessionals/assistant. (p. 4-5)

Legislation and litigation have not, as yet, provided an answer to what supervision of paraprofessionals looks like exactly. However, scholars in school administration and special education (Buckbee, 1986; Heller & Pickett, 1983; Learn, 1988; Nielsen, 1977; Sergiovanni & Starratt, 1993; Sullivan & Glanz, 2005) have suggested the basic principles for supervising paraprofessionals. They defined supervision when working with paraprofessionals that could bring us closer to the specifics of supervision.

While there are many different ways to provide supervision in schools (Marczely, 2001; Nolan & Hoover, 2005; Sergiovanni & Starratt, 1993; Sullivan & Glanz, 2005), Sergiovanni and Starratt (1993) suggested that clinical supervision or in-class supervision, when used correctly, can create powerful results in improving classroom instruction. They defined it as “face-to-face contact with teachers with the intent of improving instruction and increasing professional growth” (p. 203). Buckbee (as cited in Learn, 1988) described it as a process of managing the paraprofessionals to ensure their effectiveness. Nielsen (as cited in Learn, 1988), on the other hand, portrayed it as merely orientating and in-service training of paraprofessionals, while Heller and Pickett (1983) placed emphasis on the improvement of evaluation of the performance of paraprofessionals in their instructional duties. Others, such as Weller (1971), used a definition of clinical supervision that provided us a more detailed description of what clinical supervision was and gave us a pattern to follow:

Clinical supervision may be defined as supervision focused upon the improvement of instruction by means of systematic cycles of [1] planning, [2] observation, and [3] intensive intellectual analysis of actual teaching performance in the interest of rational modification. (p. 11)

Weller's cycle of clinical supervision became more complete after Sullivan and Glanz (2005) added a fourth element—professional development—to it. Supervisees could now benefit from the supervision process and improve his or her performance through planning with the supervisor, being observed by the supervisor, receiving feedback from the supervisor, and learning skills needed. Sergiovanni and Starratt (1993) in their book listed eight phases of clinical supervision in the classrooms. The eight phases were described as following:

1. establishment of the [supervisor and supervisee] relationship,
2. intensive planning of lessons and units with the [paraprofessionals],
3. planning of the classroom observation strategy by teacher and paraprofessionals,
4. supervisor observes in-class interaction,
5. careful analysis of the teaching learning process,
6. planning the conference strategy,
7. conference, and
8. resumption of planning. (p. 228-229)

As early as 1986 scholars developed lists of supervisory activities that followed this model (Ashbaker & Minney, 2005; Ashbaker & Morgan, 2006; French, 2003; Goodship, 1986; Pickett, 1999; Pickett & Gerlach, 2003). One of the most important principles of clinical supervision identified above was the mental and physical closeness between the supervisor and supervisee when working together. The “close and frequent proximity” required by NCLB and IDEIA was best fulfilled using clinic supervision model and brought us one step closer to responding to the needs identified by the Department of Education.

In their book, Nolan and Hoover (2005) pointed out that while some think that supervision and evaluation were closely related and could be done at the same time, others

believe that they should be separate functions with different processes and timing. They believed that by separating supervision and evaluation, it would promote the supervisee's growth, which in turn would lead to the improvement of instructional performance and student achievement.

American Federation of Teacher (AFT)—a professional organization—was questioned regarding the role of teachers as supervisors but did not have an official opinion at this point (T. Olshefski, personal communication, October 5, 2006). Some believed that supervision should exclude the responsibility to hire, terminate, and evaluate as posted on Minnesota State of Education website.

In Minnesota, “supervision” was described as “directing the work of [paraprofessionals]”, because teachers did not hire, evaluate, or terminate paraprofessionals and yet they must provide day-to-day instruction to direct paraprofessionals' work in their classrooms. Steckelberg and Vasa (1988), on the other hand, believed that teachers should be involved in issues concerning the use of “auxiliary personnel”. These issues should include: “[Teacher participation in] the development of criteria for selection and assignment of auxiliary personnel, development of job descriptions, definition and implementation of long-range staff development programs” (p. 5).

They also identified specific issues that supervising teachers face. These issues were:

1. making daily assignments and scheduling activities,
2. designing instruction for another adult to carry out,
3. monitoring student progress and making instructional decisions when not present,
4. providing corrective feedback to paraprofessionals,
5. developing and documenting on-the-job training,
6. evaluating of paraprofessional performance, and
7. dealing with problems and differences. (p. 5)

Trautman (2005) used a different term “managing” to describe teachers’ role in supervising paraprofessional but list responsibilities similar to those of Steckelberg and Vasa (1988).

However, Trautman added one additional task; that of planning for the absences of the paraprofessionals. He listed six main responsibilities teachers have to manage paraprofessionals in their classrooms:

1. create a list of duties and responsibilities,
2. develop a schedule,
3. plan the activities,
4. prepare for the absences,
5. conduct meets on a regular basis, and
6. evaluate the work of the paraprofessional.

Steckelberg and Vasa (1988) and Trautman (2005) itemized the principles of clinical supervision so that practitioners could adopt these principles, use them as a guideline, and develop supervision activities accordingly.

In summary, this research was to discover what the State Departments of Education had done to align themselves with NCLB and IDEA in their requirements of paraprofessional supervision based on the clinical supervision model. Supervision of paraprofessionals is an important issue that needs to be addressed. Without the unified definition from legislation or guidelines given through litigation, classroom teachers and paraprofessionals who work with them are left on their own. When defining supervision there are a few questions to consider: first, what method was based on in-class settings in order to align with the “close and frequent proximity” the law requires? Second, what method was practical in the classroom and what would that entail?, and, third, did supervision equal evaluation? This research study explored

State Departments of Education policy and regulation by researching their websites and identifying their standards for supervising paraprofessionals in classrooms.

Statement of the Problem

Scholars have stressed the importance of proper training and supervision of paraprofessionals. Case laws (Etscheidt, 2005) and studies pertaining to training of the paraprofessionals in the schools gave clear boundaries of what school districts should or should not do and suggested best practices when preparing paraprofessionals to work in the classrooms. However, limited emphasis had been placed on the actual supervision of the paraprofessionals who work closely with students. Since few opinions had been given through litigation and only a small number of studies had been done to define supervision, there is a tremendous need for a study to identify whose responsibility it is and what is the best practice in supervising paraprofessionals in the classroom.

Statement of Purpose

The purpose of this research was to examine the regulations of each state as it defined supervision of paraprofessionals in classrooms. These would then be compared and contrasted with the best practices identified by researchers for school administrators, and recommendations made for schools to follow.

Research Questions

This study addresses the following research questions:

1. Does your state have regulations regarding supervision of paraprofessionals that align with the federal requirements?
2. Does your state have a definition for supervision? If yes, what is the definition?
3. What are your state's regulations regarding how to supervise paraprofessionals?

4. Under your State guidelines, who has the responsibility to supervise paraprofessionals?
5. What are the required qualifications of a supervisor of paraprofessionals?
6. How do paraprofessionals and supervisors demonstrate appropriate supervision?

Importance of Study

The knowledge of how each state interpreted the national requirements and instructed its State and Local Education Agencies in supervising instructional paraprofessionals would make clear what practices schools should use when hiring, training, and supervising instructional paraprofessionals in order to be compliant with NCLB and IDEIA. This would also add to the national knowledge fund of issues surrounding paraprofessionals. Once the regulations and practices had been established for schools in working with paid-paraprofessionals, the educational rights of the students with disabilities would be better protected. Schools also would be able to provide better related services. Administrators, teachers, paraprofessional, and parents would know what to do and what to expect; and there would be models to follow for other non-certified school personnel and volunteers.

METHOD

Participants

This study investigated and examined policies and regulations related to supervision of paraprofessionals in each of the 50 States and the District of Columbia.

Procedure

This study identified each State Department of Education website and searched Departments of Education web-pages to obtain policies or regulations for supervising paraprofessionals. Each was then evaluated in terms of how closely responses related to the requirements of both NCLB and IDEIA. The researcher would

1. Identified and accessed the websites of each State Department of Education
2. Searched websites using keyword parameters of the combinations of *supervision*, *supervising*, *supervise*, *manage*, or *managing* and *paraprofessional*, *paraeducator*, *teaching assistant*, *instructional assistant* or *teacher aide*.
3. Looked through the first 50 results of each website to identify wanted information.

Based on the review of supervision literature, a list of questions were developed to assist in collection and analysis while looking at each state's policies and regulations. After the initial data collection from each of the 50 States and District of Columbia, a table would be composed to show the analysis of what State Education Agencies (SEA) required school districts to do to comply with the requirements of NCLB and IDEIA.

Research Design and Data Analysis

The research questions were designed to ask for descriptive information concerning each state's policies regarding supervising paraprofessionals. This research used a descriptive method of non-experimental quantitative research to identify and describe what each State required for

supervision of paraprofessionals. The research was non-experimental because the researcher simply gathered information concerning supervision of paraprofessionals from each state website using described method and questions. This gathered information described and quantified the results of states' efforts in answering federal requirements for supervising paraprofessionals. The researcher then grouped data gathered from each state and listed the data in a table format. The researcher described and compared against each other the similarities and differences of the findings from each state. When appropriate, frequency counts and percentages were calculated.

RESULTS

This study identified the websites for each state and examined state regulations for supervision of paraprofessionals then analyzed how their policies align with NCLB and IDEIA's requirements regarding supervision of paraprofessionals in school settings. By using the most frequently used keywords (e.g., paraprofessional, paraeducator, teaching assistant, supervision, and manage) the researcher found that 18 out of 50 of the states and the District of Columbia, or 35 %, have information regarding this issue posted on their websites. The information was further examined in order to answer the study questions. Out of the 18 states, 15 had one or more answers to the six key questions (e.g., identified specific policies and procedures of supervising paraprofessionals who worked as instructional assistants, identified who had the supervision responsibility and what actions to supervise).

Paraprofessional Supervision Regulations

After searching through each state department website, only 11 of the 50 States Departments of Education and the District of Columbia (22 percent) had policies that were directly related to paraprofessional posted on the websites (Table 4). Although several states provided information online, some did not have definite regulations regarding paraprofessional supervision. Regulations for Alaska, Arizona, Colorado, Idaho, Kentucky, Minnesota, Montana, North Dakota, Oregon, Utah, and Virginia were found on the web. Illinois, Indiana, Nebraska, and Wisconsin offered some information regarding paraprofessionals on their websites; however, the information provided did not answer the research question.

Definition of Supervision

Nine out of 51 (18 percent) of the states defined "*direct supervision*" on their websites in accordance with the Title I Non-Regulatory Guidance where "*direct supervision*" was defined as

Table 4

States' Regulations on Paraprofessional Supervision

State	Does your state have regulations regarding supervision of paraprofessionals that align with federal requirements?
Alaska	Yes
Arizona	Yes
Colorado	Yes
Idaho	Yes
Indiana	Yes
Kentucky	Yes
Minnesota	Yes
Montana	Yes
North Dakota	Yes
Oregon	Yes
Utah	Yes

(1) 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 (2) the paraprofessional works in close and frequent proximity with the teacher (§200.59(c)(2)). As shown in Table 5, Indiana, Kentucky, North Dakota, Oregon, and Utah adopted this definition exactly as the Non-Regulatory Guidance. Other states adopted the federal explanation in various degrees. Arizona not only adapted the federal definition, it also defined more specifically what it was. It interpreted “direct supervision” as “on site observation and guidance provided by a supervisor.” Arizona and Indiana further emphasized “close and frequent proximity” required by the federal government meant “close and frequent ‘physical’ proximity” to the teachers. Illinois, Minnesota, and Montana followed the guideline but had different definitions for “direct supervision.” They also took the federal definition and expanded on it. While defining “immediate supervision,” Illinois did not specify how “immediate supervision” should be put into practice. Minnesota defines “direct supervision” as “directing the work” of paraprofessionals since it was not a teacher’s duty to hire, terminate and evaluate paraprofessionals’ performance. It described paraprofessionals as being an

Table 5

States' Definitions of "Direct Supervision"

State	Does your state have a definition for supervision? If yes, what is the definition?
Arizona	<ol style="list-style-type: none"> 1. Direct Supervision means on-site observation and guidance provided by a supervisor (Early Childhood Special Education Teacher) while an assigned instructional activity is performed by an assistant or aide. 2. To provide instructional services the paraprofessional must work under the "direct supervision" of a highly qualified teacher. Direct supervision means: <ol style="list-style-type: none"> 1. The teacher must plan the instructional activities that the paraprofessional carries out; 2. The teacher must evaluate the achievement of the students with whom the paraprofessional is working; and 3. The paraprofessional must work in "close and frequent physical proximity" to the teacher.
Illinois	Immediate supervision
Indiana	<p>Direct supervision requires that:</p> <ol style="list-style-type: none"> 1. The teacher plans the instructional activities provided by the paraprofessional; 2. The teacher evaluates the achievement of the students with whom the paraprofessional is working; and 3. The paraprofessional works in close and frequent physical proximity to the teacher.
Kentucky	<p>Direct supervision of a teacher is considered to be:</p> <ol style="list-style-type: none"> 1. The teacher prepares the lessons and plans the instructional support activities the paraeducator carries out and evaluates the achievement of the students with whom the paraeducator is working 2. The paraeducator works in close and frequent proximity with the teacher
Minnesota	Directing the work.
Montana	<ol style="list-style-type: none"> 1. Instructional aides assigned, due to classroom size or diversity, must be under direct supervision of a certified teacher. This means that the aide must be responsible to a certified teacher who has the legal authority for instruction and assessment of students. The supervising teacher must be available while the aide is fulfilling his/her responsibilities and must not be simultaneously assigned to another teaching duty or preparation time. 2. Instructional aides assigned to assist students with special education needs must be under the supervision of the teacher or other professional designated as primarily responsible for instructional planning for the student. The designated professional has the responsibility to provide regularly scheduled communication and direction to the instructional aide and not to delegate any activity to the instructional aide that requires professional skill, knowledge, and judgment. 3. Instructional aides hired to assist students in gaining specialized knowledge not generally available from a properly endorsed teacher shall be supervised by a teacher certified at the proper level. This certified teacher is responsible for instruction and assessment of students and must not be simultaneously assigned to another teaching duty or preparation time.
North Dakota	A paraprofessional is defined as working under the direct supervision of a teacher if (1) the teacher prepares the lesson and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working, and (2) if the paraprofessional works in close proximity with the teacher.
Oregon	<ol style="list-style-type: none"> 1. Supervision refers to responsibility for and management of the program staff of which administrators, teachers and assistants are members. 2. A paraprofessional works under direct supervision if: <ol style="list-style-type: none"> 1. The teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the

Table 5 (continued).

State	Does your state have a definition for supervision? If yes, what is the definition?
	achievement of the students with whom the paraprofessional is working; and 2. The paraprofessional works in close and frequent proximity with the teacher.
Utah	Direct supervision means for the State of Utah: 1. the teacher prepares the lesson and plans the instruction support activities the paraprofessional carries out, and the teacher evaluates the achievement of the students with whom the paraprofessional works; 2. the paraprofessional works in close and frequent proximity with the teacher.

important part of an instructional team assisting teachers in ensuring students received the support they need. Teachers were to provide “instructional supervision.” Montana, in explaining what “direct supervision” was, expanded the federal definition. It stressed that the aide must be responsible to a certified teacher who has the legal authority for instruction and assessment of students. The supervising teacher must be available while the aide was fulfilling his/her responsibilities and must not be simultaneously assigned to another teaching duty or preparation time. The designated professional had the responsibility to provide regularly scheduled communication and direction to the instructional aide and should not delegate any activity to the instructional aide that requires professional skill, knowledge, and judgment.

Procedures for Supervising Paraprofessionals

In Table 6, four states (8 percent), Alaska, Montana, Oregon, and Virginia, had specific procedures for supervising paraprofessionals. Out of these four states, Alaska gave the briefest directions. It delegated the responsibility of providing supervision activities to school districts but did not offer guidance as to the specific steps of paraprofessional supervision. For monitoring purposes, Montana required the supervisory activities to be scheduled, and required the schedule be reviewed annually and approved by the state. However, it did not specify who should schedule the supervisory activities and what level of the supervisory activities needed to be reviewed and approved by the state. Montana also required a mid-year verification to see if the schedule was being followed. A minimum of 20 percent of paraprofessionals’ work time had to be supervised, with 10 percent of the supervision being direct contact. Oregon also required a plan of supervision and regular monitoring to determine the effectiveness of the paraprofessional being supervised. Virginia specified that the supervision activities must be on-going and on a weekly basis; the first 10 hours the paraprofessional had direct contact with a student should be

Table 6

States' Procedures for Paraprofessional Supervision

State	What are your state's regulations regarding how to supervise paraprofessionals?
Alaska	A school district shall provide each person employed as a paraprofessional with appropriate training and supervision
Montana	<p>1. For monitoring purposes, the supervisor must complete an aide registration form supplied by the board. This must include an acceptable schedule of supervision.</p> <p>2. Aides must be supervised approximately 20 percent of the client contact time, of which 10 percent must be direct contact.</p> <p>3. The schedule of supervision must be signed by the proposed supervisor and by a responsible representative of the employing agency. The schedule must be reviewed annually and approved by the board October 31. Aides employed after October 31 shall work no more than 30 calendar days without registering with the board.</p> <p>4. The supervisor must complete a mid-year verification form by February 25 of each year, on a form supplied by the board, to indicate continuing compliance with the schedule of supervision previously filed under (1) above.</p>
Oregon	<p>A plan of supervision for the assistant shall provide for:</p> <p>1. Access to assistance and consultation; and</p> <p>2. Regular monitoring of the assistant's performance to determine effectiveness of the assigned tasks and the effect on students.</p>
Virginia	<p>1. The first 10 hours in which the paraprofessional has direct contact with a student should be observed and supervised by the teacher.</p> <p>2. After that initial period, at least 10 percent of the supportive instructional sessions conducted by the paraprofessional should be supervised to ensure continuity of instruction and program. Using these guidelines the teacher is also able to guarantee contact with the child involved as well as direct interaction with the paraprofessional.</p> <p>3. There must be on-going communication on at least a weekly basis between the teacher and the paraprofessional during which data pertaining to the student's progress are reviewed.</p>

observed and supervised by the teacher, and at least 10 percent of the supportive instructional sessions conducted by the paraprofessional thereafter should be supervised.

Responsible Personnel

Table 7 showed that 15 of the 50 states and the District of Columbia (29 percent) had a designated person to be a paraprofessional supervisor. Kentucky, Minnesota, and Virginia had delegated this responsibility to a teacher. Colorado, Illinois, Indiana, North Dakota, Oregon, Utah, and Wisconsin specified this supervising teacher must be a certified, licensed, or highly qualified teacher under NCLB standards, while Nebraska gave this responsibility to a certified staff member. Idaho required the school districts to select a teacher to be a supervisor of paraprofessionals. Arizona gave classroom teachers the duty to supervise paraprofessionals who are assigned to their classrooms. Meanwhile, Alaska held school districts responsible for this task.

Supervisor Competencies

While putting emphasis on the credentials for paraprofessionals to be highly qualified under NCLB and IDEIA, some states also standardized the competencies for the supervisors of paraprofessionals. Four out of the 50 states and the District of Columbia (8 percent) specified the competencies supervisors must possess. Table 8 describes the competencies that are required by each of the four states. Idaho required that supervision of paraprofessionals be addressed in teacher orientation so that teachers were aware of the school district's supervision systems. In order to help supervisors to be proficient at supervising paraprofessionals, Minnesota asked supervisors to be trained in seven areas: communicating with paraprofessionals, managing the work of paraprofessionals, modeling for paraprofessionals, planning and scheduling for

Table 7

Designated Personnel for Paraprofessional Supervision

State	Under your State guidelines, who has the responsibility to supervise paraprofessionals?
Alaska	School District
Arizona	Classroom teachers
Colorado	A qualified teacher
Idaho	Supervising teacher
Illinois	A certified teacher
Indiana	A certified teacher
Kentucky	A teacher
Minnesota	Administrators are responsible in hire, terminate, and evaluate paraprofessionals. Teachers are critical in <i>directing the work of</i> paraprofessionals and their work with students.
Montana	In relationship to paraprofessionals, the Special Education/ Title I professional must function both in a leadership and in supervisory role.
Nebraska	A certificated staff member
North Dakota	Paraeducators must work under the direct supervision of a licensed teacher. The school district is responsible for assuring that the supervisory responsibility for paraeducators is being implemented.
Oregon	A highly qualified teacher
Utah	A licensed teacher
Virginia	Teachers
Wisconsin	A teacher who meets the definition of a highly qualified teacher

paraprofessionals, providing instructional support for paraprofessionals, public relations, and training for paraprofessionals. North Dakota required supervisors to be trained in interviewing skills, mentoring, communication, problem solving, motivation skills, coordinating skills, delegating skills, feedback and evaluation skills, and learning and professional development skills areas. The training must last a minimum of two hours and must be documented. Virginia also stated the importance of educating supervisors in how to orient the paraprofessional to the school, train the paraprofessional to use instructional and management approaches, schedule and plan the assignments for the paraprofessional's day, communicate regularly with the paraprofessional, delegate tasks and direct their implementation, provide skill development opportunities, and provide feedback of the paraprofessional's job performance. However, Virginia did not require these actions as a regulation but rather as a guide, nor did it state how the documentation should take place.

Demonstration of Appropriate Supervision

Four of the 51 states (8 percent) provided a description of how to demonstrate appropriate supervision. Minnesota allowed the use of a portfolio and skill inventories to demonstrate paraprofessionals were properly supervised. Montana requires the schedule of supervision to be reviewed and approved. It also asked the supervisors to complete a mid-year verification form to indicate the compliance of the schedule. North Dakota required supervisors to develop and document a supervision plan. In *The Virginia Paraprofessional Guide to Supervision and Collaboration with Paraprofessionals Section 6*, a supervision and feedback tool was developed for supervisors to use to demonstrate appropriate supervision. However, the binding power of this guide was not certain because it was not a rule or regulation.

Table 8

Competencies Required of Supervisors

State	What are the required competencies of a supervisor of paraprofessionals?
Idaho	A parallel teacher orientation with the emphasis being on the supervision of paraprofessionals should also be provided so the supervising teacher is fully aware of the standards implementation process and documentation plan the district intends to use.
Minnesota	<ul style="list-style-type: none"> • Communicating with Paraprofessionals • Managing the Work of Paraprofessionals • Modeling for Paraprofessionals • Planning and Scheduling for Paraprofessionals • Providing Instructional Support for Paraprofessionals • Public Relations • Training for Paraprofessionals
North Dakota	<ul style="list-style-type: none"> • Documentation that licensed teachers, related service personnel, and administrators received a minimum of two clock hours of training in the supervision of paraeducators prior to being assigned to direct, support, or supervise a paraeducator. • Documentation of content of training. Suggested topics include: <ul style="list-style-type: none"> Interviewing Skills Mentoring Communication Problem Solving Motivation Skills Coordinating Skills Delegating Skills Feedback and Evaluation Skills Learning and Professional Development Skills • The supervisory assignment is in writing and has been clearly communicated to both the supervising teacher and the paraeducator. • Specific procedures, which outline the structured, systematic management, supervision, and performance evaluations of paraeducators have been established.
Virginia	<ul style="list-style-type: none"> • Orient the paraprofessional to the school. • Train the paraprofessional to use instructional and management approaches. • Schedule and plan the assignments for the paraprofessional's day. • Communicate regularly with the paraprofessional. • Delegate tasks and direct their implementation. • Provide skill development opportunities. • Provide feedback of the paraprofessional's job performance.

Table 9

Methods of Demonstrating Appropriate Supervision

State	How do paraprofessionals and supervisors demonstrate appropriate supervision?
Minnesota	1. Paraprofessional portfolio 2. Paraprofessional skill inventory
Montana	1. For monitoring purposes, the supervisor must complete an aide registration form supplied by the board. This must include an acceptable schedule of supervision. 2. The supervisor must complete a mid-year verification form by February 25 of each year, on a form supplied by the board, to indicate continuing compliance with the schedule of supervision previously filed under (1) above.
North Dakota	A plan for ongoing training, supervision, support, and consultation for the paraeducator must be developed by supervisory personnel. The plan must include a minimum of four (4) clock hours of training per year, and the frequency of supervision and consultation as approved by the building and/or special education administrator. <ul style="list-style-type: none"> • Documentation that paraeducators are included in district/unit staff development plans and programs. • Documentation that paraeducators are trained with certified staff whenever possible to provide common understanding and effective teamwork. • Documentation that training needs, including those of paraeducators, are assessed periodically at the district level or unit level. • Documentation that outlines staff development needs, including those of paraeducators, on an annual basis.
Virginia	<i>The Virginia Paraprofessional Guide To Supervision and Collaboration with Paraprofessionals Section 6: A Supervision and Feedback Tool</i>

DISCUSSION

The findings of this review indicate that relatively few states in the union have published personnel policies on the World Wide Web for the employment and supervision of paraprofessionals in school settings to fulfill the requirements of NCLB and IDEIA. Out of 50 states and the District of Columbia, only 18 have regulations related to supervision of paraprofessionals posted on their official websites. Results from each question are summarized and discussed below.

Reflection on Research Questions

The results of each question are summarized and discussed below:

Question 1: Paraprofessional Supervision Regulations. Out of the 50 states and the District of Columbia, 11 have some regulations available online for paraprofessionals who are working in schools. State Departments of Education should make certain that this information is easily accessible to administrators, teachers, paraprofessionals, parents, students, and other stakeholders. The purposes include: (1) to assure the public that the states are aligning themselves with the federal requirements, (2) to make certain administrators, teachers, and paraprofessionals know their duties as supervisors and supervisees, and (3) to guarantee that all stakeholders can easily access this information.

Question 2: Definition of Supervision. Since legislation (e.g., NCLB and IDEIA) does not define what “direct supervision” is and only offers Non-Regulatory Guidance, it is up to states to provide examples and definitions of good and bad practices of “direct supervision.” However, in the absence of such regulation, court cases further define good and bad practices. In *Allen v. Crawford* (1993), if the school had practiced proper “direct supervision,” this case could have been avoided in the first place. Since the court does not explain how “direct supervision” should

be practiced, it is up to state educational agencies to make it clear to school districts and administrators. While not all the states and the District of Columbia have a definition for “direct supervision” available online, some (i.e., Arizona, Indiana, Kentucky, North Dakota, Oregon, and Utah) have adopted the federal definition of “direct supervision,” while others (i.e., Illinois, Minnesota, and Montana) take a step further and made specific alterations to fit the unique situations of their states. On one end of the spectrum, Illinois defines it as simply as “immediate supervision” without giving any further explanation, while on the other end, Montana gives an extensive explanation and definition for “direct supervision,” and Minnesota, in between, defines it as “directing the work” of the paraprofessionals and gives specific limitations of what a supervisor can and cannot do. One must ask how these different definitions of “direct supervision” will affect paraprofessionals working in each different state and how the federal government, SEAs, and LEAs would set up standards to monitor and evaluate these supervisory activities. It remains unclear whether or not these differences in each state’s definition of “direct supervision” meet the original intent of Congress as it passed the legislation for paraprofessional supervision.

Question 3: Procedures for Supervising Paraprofessionals. Similar to the definitions of “direct supervision,” the procedures for supervising paraprofessionals vary from state to state. The Non-Regulatory Guidance describes “direct supervision” as (1) 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 (2) the paraprofessional works in close and frequent proximity with the teacher. However, it does not give specific details as to how to practice “direct supervision.” Only four states list

procedures and standards concerning the how, when, where, how often, and the duration of supervision of paraprofessionals in their states.

In order to monitor all activities teachers delegate to paraprofessionals under this guidance, the supervisors may need directions of how to implement the supervisory activities and what elements to look for while supervising and documenting paraprofessionals' performance. SEAs are expected to interpret and put into practice the regulations that are given by the federal government. In other words, SEAs should supply these directions to supervisors in schools. Although some supervisors may want to have specific procedures to follow when performing supervisory activities, others may think that it is limiting. However, it is appropriate to have certain guidelines for supervisors to follow to ensure the quality and reliability of services to students. Weller (1971), Steckelberg and Vasa (1988), and Trautman (2005) suggested some foci for these supervision activities including: improve instruction, make modifications, provide corrective feedback and provide in-service training when needed for the purpose of enhancing services to the students.

Question 4: Responsible Personnel. Although State Departments of Education do not designate how the selection of supervising teachers will be made, or how they will monitor that decision, most of the 15 states that provide information for this question adopt the Non-Regulatory Guidance standard and designate a certified, a qualified, or a licensed teacher to be the supervisor of paraprofessionals in their schools. However, they do not specifically identify which teacher in the school will be responsible for this task. In a regular school, one would assume that every teacher in a school is certified, qualified, or otherwise licensed. Does this mean that any teacher in a given school can be charged with the responsibility? Can a fifth grade teacher supervise a paraprofessional who works in a resource room? While this may provide

more flexibility to the schools to assign supervisors, the quality of the supervisory report may be questionable because not every teacher in the school knows or works with a particular paraprofessional. A similar question may be raised in states that nominate classroom teachers or supervising teachers to take on this assignment and states that give school districts this responsibility such as Alaska and North Dakota. Even though the regulation specifies that instructional paraprofessionals must work under the direct supervision of a teacher, it does not specify who the teacher should be. Schools must make certain that the supervisors are the ones with whom the paraprofessionals work in a close and frequent “physical” proximity. In doing so, schools can guarantee the supervisory reports reflect truthfully on (1) the condition in which the paraprofessionals work, (2) the effectiveness of the paraprofessionals in implementing instructional and supportive activities that are planned by classroom teachers, and (3) the success of the paraprofessionals in assisting the teachers and students. As the reports truthfully reflect on how paraprofessionals perform, supervisors will be able to intervene as needed to ensure that students are receiving a quality education. Only when paraprofessionals are appropriately supervised by the trained supervisors can schools make certain that students are receiving the quality services they are entitled to.

Question 5: Supervisor Competencies. Not only is it important to designate personnel for supervising paraprofessionals, but the quality and qualification of the person who is chosen for the assignment needs to be addressed. In Sioux City Community School District and Western Hills Area Education Agency (2003), the court emphasized that the professionals need to be appropriately authorized to provide supervision. Information on each Department of Education website concerning the competencies of supervisors is limited to four states. Idaho only mentions that during orientation teachers are to be introduced to the standards, implementation process,

and documentation plan districts intend to use. Others states such as Minnesota, North Dakota, and Virginia list skills and competencies teachers need to be introduced, trained, and certified before becoming a supervisor. It is essential for teachers to be trained before they take on the role as supervisors so that they understand what they should do in preparing the lessons, planning the instructional activities, and delegating the activities to the paraprofessionals and what skills are involved in this interaction with paraprofessionals. Logic suggests that when supervisors are well qualified then they can supervise paraprofessionals effectively in order to provide the suitable services students need.

Question 6: Demonstration of Appropriate Supervision. Even though legislation does not require states to record the supervisory activities, past litigation shows otherwise. In Independent School District (2001), the court held for the school district because the school district could show the documentation of proper training and supervision of the paraprofessional. On-going documentation seems to be the key of showing that paraprofessionals are appropriately supervised when facing a lawsuit. Although Minnesota requires paraprofessionals to complete a portfolio and skill inventory as a way of documentation, it does not explicitly identify that the supervisory activities are on a continual basis. In other words, it does not identify how often the portfolio needs to be checked or the skill inventory needs to be retaken. The State of Virginia also has a toolkit for supervisors to document the feedback given to their supervisees. When paired with its procedures for supervising paraprofessionals, the documentation can be successful in reflecting the on-going supervisory activities. The same can be said about Montana. However, Montana does not specify what information needs to be documented. North Dakota, on the other hand, utilizes a list of supervisory activities that needed to be documented without identifying the procedures of how to supervise.

Limitations of this Research

Prior to discussing implications for future research and for practitioners, or offering conclusions based on data gathered, the researcher needs to acknowledge the limitations in this study. First, findings from this study are based on each State Department of Education website, and the website's structure and content varies greatly from state to state. Other methods such as contacting the superintendents by phone or survey may yield more information. Second, paraprofessionals may have different titles in the school system depending on their job description. The study uses a limited number of key words to represent "paraprofessional". States may use other means of description when talking about this topic, hence this study may not have gathered all the information regarding supervision of paraprofessionals. Third, this study may over generalize the regulations from states visited because it takes different regulations and applies them to all the paraprofessionals who have instructional duties in the classrooms. The standards for paraprofessionals in NCLB only target paraprofessionals who work in Title I settings, and IDEIA only focus on paraprofessionals whose sole purpose is serving students with special education needs. Many other paraprofessionals serve in different capacities within the school system (i.e., ESL and 504 aides) that are excluded from the litigation and legislation. Fourth, at the time of this study, the search function for the New Hampshire State Department of Education is under construction. Therefore, no definite results can be found using the designated method. As a result of these limitations, confidence in the results as they pertain to each state's policies for supervising paraprofessionals may be suspect.

Implications for Future Research

The field can benefit from future literature that fills the topic gaps identified in this study. Studies looking into how different definitions of "direct supervision" affect the supervisory

activities, and the relationship between supervisors and supervisees will help define the effectiveness of the supervisory activities. Also, studies looking into the correlations between students' performance and the supervisory activities will greatly benefit the field as the ultimate goal of these activities are to improve the quality of students' school experiences through providing higher quality paraprofessional services.

The field is also in dire need of descriptive and experimental data to address how effective the suggested supervisory activities found in books and articles help teachers and paraprofessionals perform their duties in the classrooms. Do specifically defined procedures improve or hinder the supervisors' abilities to implement the supervisory activities and paraprofessionals' capabilities to serve the students? Scholars suggest activities supervisors should do when supervising paraprofessionals in the classroom. The descriptive and experimental data can help us more fully understand the effects and effectiveness of these suggested activities and examine the thinking that led to these suggestions.

Research is needed to support our understanding and evaluation of current practices of hiring, evaluating, and terminating paraprofessionals. Traditionally, school administrators are responsible for the hiring, evaluating and termination of paraprofessionals. However, as teachers assume the role of supervisors and work with paraprofessionals on a daily basis in close and frequently proximity, their opinions in hiring, evaluating, and terminating paraprofessionals should be solicited, quantified and studied.

Absent from the literature are the trends for paraprofessionals to be highly qualified and directly supervised regardless of the settings they serve in. Also absent is how higher education institutes are preparing pre-service teachers to take on the roles as a supervisor of paraprofessionals and the effectiveness of such attempts.

Implications for Practitioners

After categorizing and analyzing the information gathered, different suggestions are made for practitioners in state, district, and school levels.

States. The information provided in this study raises questions for educational agencies to consider and offers information as to what other state educational agencies are doing in an attempt to align themselves with the requirements of NCLB and IDEIA. The knowledge of what others are doing can be used as a starting point for educational agencies to review their own situation, prioritize the needs, and take practical action to improve policies relating to supervising paraprofessionals.

State educational agencies are encouraged to make the information more accessible. While many SEAs and LEAs may have trainings on this topic, the information needs to be shared and easily accessible to the administrators, parents, teachers, and paraprofessionals. States should be encouraged to unify the terms used for paraprofessionals. While there are benefits and maybe necessary reasons to use different terms for paraprofessionals who work in different capacities, it is better to line up the verbal usage with federal and state legislation to prevent future confusion.

While NCLB only mandates paraprofessionals who work in Title I programs or Title I schools be directly supervised, states should start looking at or aligning the standards for supervising paraprofessionals who are serving under special education or related services since IDEIA also mentions that paraprofessionals need to be appropriately supervised. It is unavoidable for paraprofessionals in special education and related services to be under such scrutiny given that there are many lawsuits each year related to paraprofessionals who work under such capacities.

Districts. School districts should examine whether they are meeting the requirements in district-wide programs. Making sure that districts are setting regulations and rules that align with legislation is one thing districts can do to help administrators and teachers in paraprofessional supervision. No district-wide programs should operate without a certified and qualified supervisor present. Districts should raise the awareness of school administrators, program coordinators, and other stakeholders by providing appropriate training sessions addressing issues in supervising paraprofessionals. It is the responsibility of school districts to ensure that local schools are following federal mandates in using and supervising paraprofessionals and that there are no violations of misusing them.

Teachers sometimes send the students off with a paraprofessional expecting the paraprofessional to make instructional decisions or performance evaluations. While schools appreciate, and many programs heavily rely on, paraprofessionals, it is inappropriate to let the paraprofessional make instructional decisions or performance evaluations.

Schools. School administrators and program coordinators should proactively seek information concerning paraprofessional supervision from the districts and make certain that teachers and paraprofessionals in their schools know about the information. Educating teachers and paraprofessionals on this issue is one of the most important steps schools should take. School administrators should also be supportive by encouraging teachers and paraprofessionals to plan, evaluate, and conference together and by providing planning time when they can get together to discuss the student's progress and develop plans for working together. Fostering relationship will lead to effective collaboration between supervisors and supervisees and paraprofessionals' implementation of instructional activities. Paraprofessionals and their supervisors should also vocalize the need for standards for paraprofessional supervision. They should emphasize the

need for training for supervisors and for administrative support for pay and release time to get the training. This vocalization will in turn promote schools, school districts, and states to development such regulations in order to provide standards and training for paraprofessional supervision, which will lead to appropriate education for students who receive assistance from paraprofessionals.

Conclusion

In summary, with the reauthorization of the NCLB of 2002 and IDEIA of 2004, there is a strong emphasis on the supervision of paraprofessionals who provide instructional assistance to classroom teachers. This study explores the current opinions of litigation and scholars as well as the state regulation about the interpretation of direct supervision. It also attempts to answer how states interpret who holds the responsibility for paraprofessional supervision, how paraprofessionals should be supervised, and how schools should demonstrate appropriate direct supervision of paraprofessionals.

There is limited amount of information on the internet from the 50 states and the District of Columbia regarding who should and how to supervise paraprofessionals. Further, there is inadequate amount of information concerning the definitions of “direct supervision” and ways to demonstrate proper direct supervision. Further collaboration from state educational agencies is needed to define and clarify supervision of paraprofessionals in schools.

REFERENCES

- Allen v. Crawford, 20 IDELR (LRP) 1115 (Ga. Ct. App. 1993).
- American with Disabilities Act of 1990, 101 Stat. 336 (1990).
- An Act to Incorporate the Columbian Institute for Instruction of the Deaf and the Dumb, and Blind of 1857, 11 Stat. 46 (1857).
- Ashbaker, B. Y., & Minney, R. B. (2005). *Complete guide to employing, training, and supervising paraprofessionals*. New York: Brownstone.
- Ashbaker, B. Y., & Morgan, J. (2004, Spring). Legal issues relating to school paraprofessionals. *A Legal Memorandum: Quarterly Law Topics for School Leaders*, 1-7.
- Ashbaker, B. Y., & Morgan, J. (2006). *Paraprofessionals in the classroom*. Boston: Pearson/Allyn and Bacon.
- Beaufort (SC) Country School District, 40 IDELR (LRP) 23 (OCRIV Atlanta SC 2003).
- Board of Education Hendrick Hudson School District v. Amy Rowley, 458 U.S. 176 (1982).
- Brown v. Board of Education, 347 U.S. 483 (1954).
- Buckbee, B. L. W. (1986). Paraprofessionals' roles and related administrative functions associated with completion rates of special needs students in secondary vocational programs. *Dissertation Abstracts International*, 47, 1124A.
- Bureau of Labor Statistics, U.S. Department of Labor, (2004). *Occupational outlook handbook* (2004-05 ed.) Retrieved November 15, 2005, from <http://www.bls.gov/oco/153.htm>.
- Burton Glen Charter Academy (MI), 40 IDELR (LRP) 269 (OCRXII Cleveland MI 2003).
- Cedar Rapids Community School District v. Garret F. 526 U.S. 66 (1999).
- Colorado State University Division of Student Affairs (2005). *Resource for disabled students*.

Retrieved November 7, 2005, from <http://www.colostate.edu/Depts/RDS/disrelated/laws.htm>

Education for All Handicapped Children Act of 1975, 94 Stat. 142 (1975).

Etscheidt, S. (2005). Paraprofessional services for students with disabilities: A legal analysis of issues. *Research and Practice for Persons with Severe Disabilities*, 30(2), 60-80.

Freeport School District, 34 IDELR (LRP) 104 (SEA IL 2000).

French, N. K. (1998). Working together: Resource teachers and paraeducators. *Remedial and Special Education*, 19, 357-368.

French, N. K. (1999). Paraeducators and teachers: Shifting roles. *Teaching Exceptional Children*, 32(2), 69-73.

French, N. K. (2001). Supervising paraprofessionals: A survey of teacher practices. *The Journal of Special Education*, 35(1), 42-43.

French, N. K. (2003). *Managing paraeducators in your school: How to hire, train, and supervise non-certified staff*. Thousand Oaks, CA: Corwin Press, Inc.

French, N. K. (2004). Paraeducators in special education programs. *Focus on Exceptional Children*, 36(2), 1-16.

French N. K., & Pickett, A. L. (1997). Paraprofessionals in special education: Issues for teacher educators. *Teacher Education and Special Education*, 20(1), 61-73.

Gerlach, K. (2003). *Let's team up: A checklist for paraeducators, teachers, and principals*. (Revised ed.). Washington, D.C.: National Education Association.

Giangreco, M. F., & Broer, S. M. (2005). Questionable utilization of paraprofessionals in inclusive schools: Are we addressing symptoms or causes? *Focus on Autism and Other Developmental Disabilities*, 2(1), 10-26.

- Giangreco, M. F., Edelman, S. W., Broer, S. M., & Doyle, M. B. (2001). Paraprofessional support of students with disabilities: Literature from the past decade, *Exceptional Children*, 68(1), 45-63.
- Goodship, J. M. J. (1986). Identification and description of the roles of a special education teacher training and supervising a paraprofessional. *Dissertation Abstracts International*, 47(04), 1289. (UMI No. AAT8613201)
- Heller, B., & Pickett, A. L. (1983). *Effective utilization of paraprofessionals by professionals training manual*. Reston, VA: Council for Exceptional Children.
- Hingham Public Schools, 33 IDELR 292 (MA 2000).
- IDEA Partnerships. (December, 2001). *Report to the U.S. Department of Education, Office of Special Education Programs*. Arlington, VA: Council for Exceptional Children.
- Individual with Disabilities Education Act of 1990, 101 Stat. 476 (1990).
- Individuals with Disabilities Education Act of 2004, 20 U.S.C. § 1400(d) (2004).
- Individuals with Disabilities Education Act of 2004, 20 U.S.C. §1412(a)(15)(B)(iii) (2004).
- Independent School District, 36 IDELR 81 (SEA MN 2001)
- Irving Independent School District v. Tatro 468 U.S. 883 (1984).
- Katsiyaannis, A., Hodge, J., & Lanford, A. (2000). Paraeducators: Legal and practice considerations. *Remedial and Special Education*, 21, 297-304.
- Kurtz ex rel. Gann v. Unified School District, 36 IDELR (LRP) 209 (D. Kan. 2002).
- Learn, R. (1988). *Supervision of paraprofessional workers in special needs vocational education*. Paper presented at the meeting of Pennsylvania Vocation Education, Champion, PA.
- Los Angeles Unified School District, 23 IDELR (LRP) 579. (SEA CA 1995).

- Marczely, B. (2001). *Supervision in Education: A differentiated approach with legal perspectives*. Gaithersburg, MD: Aspen Publishers, Inc..
- Martin, E., Martin, R., & Terman, D. (1996). The legislation and litigation history of special education. *The Future of Children: Special Education for Students with Disabilities*, 6(1), 25-39.
- Mills v. Board of Education, 348 F. Supp. 886 (1972).
- Morgan, J., & Ashbaker, B. Y. (2001). *A teacher's guide to working with paraeducators and other classroom aides*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Mueller, P. H. (2002). The paraeducator paradox. *Exceptional Parent*, 32(9), 64-67.
- National Defense Education Act of 1958, 85 Stat. 804 (1958).
- Nielsen, E. T. (1977). *Instructional aides*. Redwood City, CA: San Mateo County Office of Education.
- No Child Left Behind of 2002, 20 U.S.C. §6319(g) (2002).
- No Child Left Behind of 2002, 20 U.S.C. §6319(g)(3)(A) (2002).
- Nolan, J., & Hoover, L. (2005). *Teacher supervision and evaluation: Theory into practice*. Hoboken, NJ: John Wiley & Sons.
- Northwest Regional Education Laboratory (NREL). (1999). *Designing state and local policies for the professional development of instructional paraeducators*. Portland, OR: NREL.
- Orange County (FL) School District, 23 IDELR (LRP) 51 (OCR 1995).
- Passaro, P. D., Pickett, A. L., Latham, G., & HongBo, W. (1994). The training and support needs of paraprofessionals in rural and special education settings. *Rural Special Education Quarterly*, 13(4), 3-9.

Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania, 344 F. Supp. 1257 (E.D. PA 1971).

Pickett, A. L. (1996). *Paraprofessionals in the education workforce*. Washington, D.C.: National Education Association.

Pickett, A. L. (1997). Paraprofessionals in school settings: Framing the issue. In A.L. Pickett & K. Gerlach (Eds.), *Supervising paraeducators in school settings: A team approach* (pp. 1-24). Austin, TX: Pro-Ed.

Pickett, A. L. (1999). *Strengthening and supporting teacher/provider-paraeducator teams: Guidelines for paraeducator roles, supervision, and preparation*. New York: National Resource Center for Paraprofessionals, City University of New York.

Pickett, A. L. (2003). Paraeducators in school settings: Framing the issues. In A. L. Pickett & K. Gerlach (Eds.), *Supervising paraeducators in educational settings: A team approach* (pp. 1-24). Austin, TX: Pro-Ed.

Pickett, A. L., Likins, M., & Wallace, T. (2003). *The employment and preparation of paraeducators: The-state-of-the-art—2003*. New York: National Resource Center for Paraprofessionals, City University of New York.

Pickett, A. L., & Gerlach, K. (2003). *Supervising paraeducators in educational settings: A team approach*. (2nd ed.). Austin, TX: Pro-Ed.

Pittsfield Public Schools, 18 IDELR (LRP) 998 (MASS 1992).

Rothstein, L. F. (2000). *Special education law* (3rd ed.). New York: Longman.

Salzberg, C. L., & Morgan, J. (1995). Preparing teachers to work with paraeducators. *Teacher Education and Special Education*, 18(1), 49-55.

- Sergiovanni, T., & Starratt, R. (1993). *Supervision: A redefinition* (5th ed.). New York: McGraw-Hill.
- Sioux City Community School District and Western Hills Area Education Agency (AEA 12), 104 IDELR (LRP) 10804 (SEA IA 2003).
- Sullivan, S., & Glanz, J. (2005). *Supervision that improves teaching: Strategies and techniques* (2nd ed.). Thousand Oaks, CA: Corwin Press.
- Steckelberg, A., & Vasa, S. (1998). *Pre-service and in-service training programs to prepare teachers to supervise and work more effectively with paraprofessional personnel*. Paper presented at the meeting of the Council for Exceptional Children. Washington, D.C.
- The Elementary and Secondary Education Act of 1965, 89 Stat. 10 (1965).
- The Rehabilitation Act of 1973, 29 U.S.C. § 794(a) (1973).
- The Rehabilitation Act of 1973, 93 Stat. 112 (1973).
- Trautman, M. (2005). Preparing and managing paraprofessionals. *Intervention in School and Clinic*, 39, 131-138.
- Turney, D. T. (1962). *Secretaries for teachers*. Nashville, TN: Department of Education, George Peabody College for Teachers.
- U.S. Department of Education (2004) *Title I paraprofessionals: Non-regulatory guidance*. Washington, D.C.: U.S. Department of Education.
- Wallace, T. (2003). *Paraprofessionals*. (COPSSE Document No. IB-3). Gainesville, FL: University of Florida, Center on Personnel Studies in Special Education.
- Wallace, T., Shin, J., Bartholomay, T., & Stahl, B. (2001). Knowledge and skills for teachers supervising the work of paraprofessionals. *Exceptional Children*, 67, 520-533.

Weller, R. (1971). *Verbal communication in instructional supervision*. New York: Teachers College Press.

White, R. (2004). The recruitment of paraeducators into the special education profession: A review of progress, select evaluation outcomes, and new initiatives. *Remedial and Special Education, 25*, 214-218.

Williams, M. (1991). *Policy update on schools' obligations toward national origin minority students with limited-English proficiency (LEP students)*. Retrieved December 7, 2006, from <http://www.ed.gov/about/offices/list/ocr/docs/lau1991.html>

Zirkel, A. P., (2005). A primer of special education law. *TEACHING Exceptional Children, 38*(1), 62-63.

APPENDIX

State Departments of Education Websites

State	Website address
Alabama	http://www.alsde.edu/html/home.asp
Alaska	http://www.eed.state.ak.us/
Arizona	http://www.ade.state.az.us/
Arkansas	http://arkedu.state.ar.us/
California	http://www.cde.ca.gov/
Colorado	http://www.cde.state.co.us/
Connecticut	http://www.state.ct.us/SDE/
Delaware	http://www.doe.k12.de.us/
Florida	http://www.fldoe.org/
Georgia	http://public.doe.k12.ga.us/
Hawaii	http://doe.k12.hi.us/
Idaho	http://www.sde.state.id.us/Dept/
Illinois	http://www.isbe.state.il.us/
Indiana	http://www.doe.state.in.us/
Iowa	http://www.state.ia.us/educate/
Kansas	http://www3.ksde.org/Welcome.html
Kentucky	http://www.education.ky.gov/KDE/Default.htm
Louisiana	http://www.doe.state.la.us/lde/index.html
Maine	http://www.maine.gov/education/index.shtml
Maryland	http://www.marylandpublicschools.org/MSDE

Massachusetts	http://www.doe.mass.edu/
Michigan	http://www.michigan.gov/mde
Minnesota	http://www.education.state.mn.us/mde/index.html
Mississippi	http://www.mde.k12.ms.us/
Missouri	http://dese.mo.gov/
Montana	http://www.opi.state.mt.us/
Nebraska	http://www.nde.state.ne.us/
Nevada	http://www.doe.nv.gov/
New Hampshire	http://www.ed.state.nh.us/
New Jersey	http://www.state.nj.us/education/
New Mexico	http://www.ped.state.nm.us/
New York	http://www.nysed.gov/
North Carolina	http://www.dpi.state.nc.us/
North Dakota	http://www.dpi.state.nd.us/
Ohio	http://www.ode.state.oh.us/
Oklahoma	http://www.sde.state.ok.us/home/defaultns.html
Oregon	http://www.ode.state.or.us/
Pennsylvania	http://www.pde.state.pa.us/pde_internet/site/default.asp
Rhode Island	http://www.ridoe.net/
South Carolina	http://ed.sc.gov/
South Dakota	http://doe.sd.gov/
Tennessee	http://tennessee.gov/education/
Texas	http://www.tea.state.tx.us/

Utah	http://www.usoe.k12.ut.us/
Vermont	http://education.vermont.gov/
Virginia	http://www.pen.k12.va.us/
Washington	http://www.det.wa.edu.au/education/
Washington D.C	http://www.k12.dc.us/dcps/home.html
West Virginia	http://wvde.state.wv.us/
Wisconsin	http://dpi.state.wi.us/
Wyoming	http://www.k12.wy.us/