

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter E. Special Education

Part 130. Procedural Requirements and Program Standards

Subpart 24. Personnel Development and Standards

6 CAR § 130-2401. Personnel development.

General. Each public agency must:

(1) Implement personnel development that is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel; and

(2) Ensure that all personnel necessary to carry out Part B of the Individuals with Disabilities Education Act within the jurisdiction of the agency are appropriately and adequately prepared, subject to the requirements of 34 C.F.R. § 300.156 (related to personnel qualifications) and Section 2122 of the Elementary and Secondary Education Act of 1965.

6 CAR § 130-2402. Personnel standards.

(a) **General.** In the provision of special education and related services, each public agency shall employ and/or enter into a professional services contract with individuals who hold a valid license from the State Board of Education or, as appropriate, another licensure board with authority under state statute to issue such a license.

(b) **Paraprofessionals, speech-language pathology assistants/aides, and educational interpreters for the deaf.**

(1) Public agencies may only use paraprofessionals in the provision of special education and related services who are appropriately trained and supervised in accordance with guidelines established by the Division of Elementary and Secondary Education.

(2) Public agencies may only use speech-language pathology aides and speech-language pathology assistants who have been approved by the Special

Education Unit of the Division of Elementary and Secondary Education in accordance with a written agreement between the Special Education Unit and the Board of Examiners in Speech-Language Pathology and Audiology.

(3) Public agencies employing educational interpreters for the deaf must comply with guidelines published by the division.

(c) Additional licensure plan (ALP).

(1) When a public agency cannot employ a teacher who holds a valid teaching license in special education from the State Board of Education, the public agency may use a teacher who is not licensed in special education to provide special education and related services when the:

(A) Public agency can demonstrate that it has made a good faith effort to recruit and hire appropriately and adequately trained teachers to provide special education and related services;

(B) Individual holds a valid teaching license from the State Board of Education in an area other than special education;

(C) Individual has a current ALP from the Office of Professional Licensure of the Division of Elementary and Secondary Education and has a copy on file with the Special Education Unit; and

(D) Individual is making progress toward completion of the ALP in accordance with division policies.

(2) Program approval by the Special Education Unit for the use of individuals on a ALP to provide special education and related services is not to be confused with accreditation of a school or school district.

(3) The purpose of program approval by the Special Education Unit is to verify that the special education and related services provided by a public agency meet state and federal requirements for the provision of special education and related services and, thus, the public agency may count students receiving those services to generate federal funds under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

(d) **Substitute teachers.** When a public agency uses a substitute teacher, the public agency must follow the rules and procedures established by the division.