



September 26, 2014

Parents as Paraprofessionals for Their Own Children

Occasionally a Local Education Agency (LEA) and a parent agree to allow the parent to take an additional role in the education environment as a paraprofessional or personal care assistant (paid or unpaid) for his or her own child. There are pros and cons to such an arrangement. This advisory was developed to help members navigate the new relationship between professional staff and parents created by such assignments. It identifies issues that must be clearly communicated between parents and administrators and teachers at the beginning of the assignment. It suggests that roles should be discussed and clearly defined in advance, and encourages consideration of short- and long-term expectations and outcomes.

Paid

A parent who is paid by the LEA is an employee. The appointment must be approved by the school board as the employer. The parent/employee is placed on the salary schedule appropriate to the position, entitled to all benefits under the contract, and subject to the same work rules as any other employee in a similar position.

To avoid potential misunderstandings, it would be useful to review with the parent/employee:

- Their specific job responsibilities.
- The Pennsylvania Department of Education's Certification Staffing Policy Guidelines (CSPG). CSPG 101 related to paraprofessionals which clearly defines what paraprofessionals can and cannot do.
- School policies are applicable to all employees. Particular attention may need to be given to rules of confidentiality regarding information about other students with whom the aide may come into contact.

The parent/employee should participate in any induction process or training that is available to or required of other employees.

Non-Paid/Volunteer

- A parent who serves as a personal care assistant for his or her own child in school without pay is a volunteer. A volunteer must submit the same child abuse/criminal record clearances as any other prospective employees, and as any other volunteer who enters the school building on a regular basis. Even though it is not a paid position, many of the same considerations identified above for employees are applicable to volunteers.

To minimize potential misunderstandings we recommend:

- A detailed position description that includes-as appropriate-the specific times that the volunteer will be in the school and the extent to which the parent will interact with students other than his or her own child.

- A formal induction that signals the seriousness of the volunteer's new role in the new setting. The induction should include a review of the district policies applicable to volunteers.
- Particular attention may need to be given to rules of confidentiality regarding information about other students with whom the aide may come into contact.

Any induction process or training that is available to or required of other employees should be made available to the parent/volunteer, but volunteers are not required to meet the 20-hour training requirements found in Chapter 14 - Pennsylvania's Special Education Regulations.

The IEP

The support provided by the parent/volunteer may or may not be included in the student's IEP.

There are some benefits of having the parent/volunteer's role documented in the IEP. Such documentation:

- Makes a connection between the student's need for this specific service and how the LEA is addressing that need.
- Shows effort on the part of the LEA to come up with strategies to support the student with reference to health, behavior, or academic needs.
- Gives the LEA proof (IEP as the document) of its attempt at making measurable progress with the student.
- Provides staff, working with the student, a hook to reconvene the IEP team if the parent fails to show up on a consistent basis.
- Provides clear guidance to the parent/volunteer regarding the behavior plan in place during the school day.
- If the LEA chooses not to place the position of volunteer in the IEP, a record of the volunteer position should be placed in the child's permanent record as evidence that this additional support was provided to the student. This is important to record the intensive level of support the student received on a regular basis, and may be important for a potential due process hearing.
- What is the plan? The regular presence of a parent may be good in the short term to ease the transition of the student to a new school situation. The IEP team should consider the long-term issues. Here are some questions that could be considered:
 - What happens when the parent is absent?
 - What happens if the parent backs out of the arrangement?
 - Has the team considered long-term outcomes such as what happens when he/she leaves high school? Who will supply support after school is over? Employers typically are not as agreeable to parental involvement, and the Americans with Disabilities Act (ADA) only requires reasonable accommodations.
 - Has the IEP team decided what data to collect to determine how much support the child should have and for how long? What are the benchmarks for changing the level of support?

- Is the arrangement consistent with the purpose of IDEA which emphasizes the importance of assisting students to move to independence?

Other considerations

- Does the LEA give guidance to Therapeutic Staff Support (TSS) regarding their roles when placed in classes in the school building? This same guidance should be given or discussed with the parent volunteer since the parent is filling a different role while in the school building.
- Reminder: The role of instruction falls on the professional staff.
- Make sure that the parent/volunteer knows the components of the IEP and behavior plan so he or she can implement with fidelity.
- Communication between adults is critical. Issues around day-to-day instruction, use of technology, and transitions from class to class are examples of situations that could change the volunteer's perspective and without communication could end poorly for all involved.
- Instruction on maintaining confidentiality for all students in the program is critical.
- Parent/volunteers would not be allowed to video record instruction as it breaks confidentiality for the other students seen on the video.

Bargaining Unit Work

This is a major change in the way services are delivered. Here is some advice from that perspective:

- The staff in that building should notify the local leader and UniServ Representative because the local may demand bargaining.
- The local may attempt to enter into an agreement with the LEA specifying that information from the parent shall not be used in evaluating the student or the staff.
- The parent must be trained in and agree to abide by confidentiality requirements.

Court Case: Belkin v. Sioux City Community School District, and Western Hills Area Education Agency, U.S. District Court, Northern District of Iowa, CO3-4087-MWB, October 12, 2006

The court agrees with the decision reached by the Administrative Law Judge (ALJ), namely, that the decision to remove Anna Belkin as Lev's one-on-one aide from the professional staff in Reed's classroom was a personnel decision related to the breakdown in confidence and communication between Belkin and Reed, as the regular classroom teacher. The relationship between Reed and Belkin was already strained by the time of a November 25 meeting. However, at that meeting, Belkin challenged the integrity and honesty of Reed, Lev's classroom teacher. This personal attack on Reed in the presence of school administrators culminated in a complete breakdown in trust between Belkin and Reed, a situation which was irreversible. Thus, faced with a breakdown in the working relationship between Reed and Belkin, defendants made the decision to remove Belkin from Reed's classroom. Thus, the court decision to remove Belkin as Lev's one-on-one aide from Reed's classroom was for a legitimate, non-discriminatory reason. As a result, the burden of production shifts back to the Belkins to show that defendants' reason for a pretext again agrees with the decision of the ALJ that the Belkins have failed to meet their burden of proof on this issue.

The court notes that the Belkins had been vigorous advocates for their son. None of the prior occasions of advocacy resulted in any adverse action. The court notes the willingness of defendants to accede to the choices made by the Belkins for Lev. In addition, the court notes that defendants offered the Belkins two options, one of which did not necessitate the removal of Belkin as Lev's one-on-one aide, but that the Belkins rejected both of these options. It was only after both of these options were refused by the Belkins that defendants were forced to choose between the two options. The court also notes that the two choices offered to the Belkins are reflective of the personality conflict between Belkin and Reed since both involved the separation of Reed from Belkin. Accordingly, the court finds that the Belkins have failed to demonstrate that defendants' reason for the adverse action taken was a pretext for discrimination. The court denies the Belkins' Rehabilitation Act claim and grants judgment in favor of defendants.

For additional information or questions, members may contact the Education Services Department at 800-944-7732.

