Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 24
"Paraeducator Certificates"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.157
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.157

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 11, 2024 9 a.m.	Board Room, Suite A 701 East Court Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Board of Educational Examiners no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Board of Educational Examiners
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Purpose and Summary

This proposed chapter provides procedures for the issuance of paraeducator certificates. The Board proposes removing duplicative statutory language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
- Classes of persons that will bear the costs of the proposed rulemaking:

Required fees are paid by applicants.
- Classes of persons that will benefit from the proposed rulemaking:

Iowans in general will benefit from the proposed rulemaking.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
- Quantitative description of impact:

Required fees are paid by applicants. Fees are required for all Board operations.
- Qualitative description of impact:

The Board discerns no qualitative impact.

3. Costs to the State:
- Implementation and enforcement costs borne by the agency or any other agency:

The Board bears the cost of compliance.
- Anticipated effect on state revenues:

There is no effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

This chapter provides required procedures for the issuance of paraeducator certificates.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board bears the cost of compliance. Rules for licensure are required.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board determined that the chapter is required but that the language could be significantly reduced.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The public benefits from having information about licensure requirements.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 282—Chapter 24 and adopt the following **new** chapter in lieu thereof:

CHAPTER 24
PARAEDUCATOR CERTIFICATES

282—24.1(256) Paraeducator certificates. An applicant for an initial paraeducator certificate who completes the paraeducator preparation program from a recognized Iowa paraeducator-approved program will have the recommendation from the designated certifying official at the recognized area education agency, local education agency, community college, or institution of higher education where the preparation was completed.

282—24.2(256) Prekindergarten through grade 12 paraeducator generalist certificate.

24.2(1) Applicants will possess a minimum of a high school diploma or a graduate equivalent diploma.

24.2(2) Applicants will have successfully completed at least 90 clock hours of training in the areas of behavior management, exceptional child and at-risk child behavior, collaboration skills,

interpersonal relations skills, child and youth development, technology, and ethical responsibilities and behavior.

24.2(3) Applicants will have successfully completed the following list of competencies.

a. Foundations. Under the supervision of a licensed education professional, the paraeducator will:

(1) Recognize the different developmental stages of students.

(2) Believe every student can learn.

(3) Recognize that each learner has unique learning needs that may require accommodations.

(4) Demonstrate knowledge of the common core, including competence in reading, writing and math.

(5) Function in a manner that demonstrates a positive regard for the distinction between roles and responsibilities of paraeducators and other professionals, including respecting the teacher as supervisor and seeing the teacher as ultimately responsible for the education and behavior of the students.

b. Learning environment. Under the supervision of a licensed education professional, the paraeducator will:

(1) Follow the prescribed health, safety, and emergency school and classroom policy and procedures.

(2) Organize materials to support teaching and learning.

(3) Facilitate the integration of students with diverse needs in various settings.

(4) Assist with special health services, under the supervision of a licensed health care provider.

(5) Promote a safe and positive learning environment.

(6) Function in various instructional settings (e.g., large group, small group, tutoring).

c. Content and instruction. Under the supervision of a licensed education professional, the paraeducator will:

(1) Assist with learning activities and opportunities to accomplish instructional objectives.

(2) Support high expectations that are shared, clearly defined and appropriate.

(3) Monitor progress and document and report objective observations that inform instructional decisions.

(4) Effectively use verbal and nonverbal forms of communication with students.

(5) Assist with the implementation and use of instructional and assistive technology.

d. Emotional and behavioral. Under the supervision of a licensed education professional, the paraeducator will:

(1) Assist in modeling and teaching specific appropriate behaviors, social skills, and procedures that facilitate safety and learning in various environments.

(2) Assist in the implementation of individualized behavior management plans.

(3) Document and report objective observations on student behaviors.

(4) Assist in modifying the learning environment to manage behavior and social skills.

(5) Recognize that there is a cause or reason for misbehavior and assist in determining the cause or reason.

(6) Recognize, address, and report bullying.

(7) Recognize and report atypical emotional behavior.

e. Professional relationships. Under the supervision of a licensed education professional, the paraeducator will:

(1) Demonstrate a commitment to work as an effective team member.

(2) Foster a professional and caring relationship with each student's family.

(3) Develop and maintain positive and professional relationships with students.

f. Ethical and professional practice. Under the supervision of a licensed education professional, the paraeducator will:

(1) Follow ethical practices for confidential information.

(2) Participate in ongoing professional development.

(3) Accept and apply constructive feedback.

(4) Abide by the Iowa code of ethics and professional practice rules of the board of educational examiners and rules of the department of education.

(5) Demonstrate the ability to separate personal issues from one's responsibilities in the workplace.

(6) Maintain a high level of competency and integrity.

(7) Share information regarding students' performance, behavior, or program with students' parents or guardians only as directed by the supervising teacher or educator.

(8) Be aware of personal biases and beliefs and refrain from discriminatory practices based on a student's disability, race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.

(9) Demonstrate ethical behavior when supporting students with graded activities, quizzes, and tests.

(10) Abide by Iowa law regarding the use of restraint and seclusion.

(11) Recognize that the paraeducator may not be given primary responsibility for the education of an individual student(s).

(12) Recognize that instructional decisions are made by the individualized education program (IEP) team for students with disabilities and that any changes to instruction, accommodations, supports, and services cannot be made outside the IEP team.

282—24.3(256) Paraeducator area of concentration. An area of concentration is not required but optional. Applicants will currently hold or have previously held an Iowa paraeducator generalist certificate. Applicants may complete one or more areas of concentration but will complete at least 45 clock hours in each area of concentration, with the exception of the substitute authorization.

24.3(1) *Early childhood—prekindergarten through grade 3.* The paraeducator will successfully complete the following list of competencies:

a. Foundations. Under the supervision of a licensed education professional, the paraeducator will:

(1) Know and understand young children's typical and atypical developmental stages and their needs at each stage.

(2) Recognize multiple influences on young children's development and learning.

(3) Recognize developmentally appropriate practices for interactions with and the education of young children.

b. Learning environment. Under the supervision of a licensed education professional, the paraeducator will:

(1) Describe the elements of environments that support children's learning and well-being.

(2) Demonstrate skills, strategies, and activities involving an individual child or small groups of children to reinforce instruction from a licensed teacher.

(3) Set up environments that are safe, inclusive, and responsive to children's developmental strengths, interests and needs.

c. Content and instruction. Under the supervision of a licensed education professional, the paraeducator will:

(1) Recognize effective strategies and techniques to stimulate cognitive, physical, social, emotional, and language development for each child in a developmentally appropriate way.

(2) Demonstrate knowledge and understanding of the Iowa Early Learning Standards by describing what young children know and do in order to provide experiences and interactions to promote learning.

(3) Gather information, as instructed by the classroom teacher, about an individual child's development, learning and behaviors, including observing, recording, and charting.

d. Emotional and behavioral competencies. Under the supervision of a licensed education professional, the paraeducator will:

(1) Gather information, as instructed by the classroom teacher, to identify children's skills and provide appropriate levels of support needed for the children to access, participate and engage in activities.

(2) Implement teacher-designed intervention plans to promote positive social relationships, interactions and behaviors that are age- and developmentally appropriate.

e. Professional relationships. Under the supervision of a licensed education professional, the paraeducator will:

(1) Demonstrate the ability to collaborate with an educational team to systematically and regularly exchange information to support problem solving, planning, and the implementing of instruction and individualized interventions.

(2) Demonstrate the ability to establish relationships with all children and their families that are respectful, supportive and sensitive.

(3) Demonstrate a collaborative relationship with the teacher to support children's learning.

(4) Demonstrate knowledge of community services and agencies available to assist families.

f. Ethical and professional practice. Under the supervision of a licensed education professional, the paraeducator will demonstrate knowledge of Iowa Early Learning Standards and the preschool program standards being implemented, which may include the Iowa Quality Preschool Program Standards, Head Start Program Performance Standards and National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria.

24.3(2) *Special needs—prekindergarten through grade 12.* The paraeducator will successfully complete the following list of competencies.

a. Foundations. Under the supervision of a licensed education professional, the paraeducator will demonstrate an understanding of an IEP.

b. Learning environment. Under the supervision of a licensed education professional, the paraeducator will demonstrate an understanding of the value of serving children and youth with disabilities and special needs in inclusive settings.

c. Content and instruction. Under the supervision of a licensed education professional, the paraeducator will:

(1) Implement the activities assigned by a teacher to meet the goals and objectives in an IEP.

(2) Assist in academic subjects through use of lesson plans and instructional strategies developed by teachers and other professional support staff.

(3) Gather and maintain data about the performance of individual students and confer with special and general education practitioners about student schedules, instructional goals, progress, and performance.

(4) Operate computers and use assistive technology and adaptive equipment that will enable students with special needs to participate more fully in general education.

d. Emotional and behavioral. Under the supervision of a licensed education professional, the paraeducator will:

(1) Gather and maintain data about the behavior of individual students and confer with special and general education practitioners about student schedules, instructional goals, progress, and performance.

(2) Use appropriate instructional procedures and reinforcement techniques as specified in the IEP or by the behavior team.

e. Professional relationships. Under the supervision of a licensed education professional, the paraeducator will, if asked, participate as a member of the IEP team responsible for developing service plans and educational objectives.

24.3(3) *English as a second language—prekindergarten through grade 12.* The paraeducator will successfully complete the following list of competencies so that, under the direction and supervision of a qualified classroom teacher, the paraeducator will be able to:

a. Operate computers and use technology that will enable students to participate effectively in the classroom.

b. Work with the classroom teacher as collaborative partners.

c. Demonstrate knowledge of the role and use of primary language of instruction in accessing English for academic purposes.

d. Demonstrate knowledge of instructional methodologies for second language acquisition.

e. Communicate and work effectively with parents or guardians of English as a second language students in their primary language.

f. Demonstrate knowledge of appropriate translation and interpretation procedures.

24.3(4) *Career and transitional programs—grades 5 through 12.* The paraeducator will successfully complete the following list of competencies so that, under the direction and supervision of a qualified classroom teacher, the paraeducator will be able to:

a. Assist in the implementation of career and transitional programs.

b. Assist in the implementation of appropriate behavior management strategies for career and transitional students and those students who may have special needs.

c. Assist in the implementation of assigned performance and behavior assessments, including observation, recording, and charting for career and transitional students and those students who may have special needs.

d. Provide training at job sites using appropriate instructional interventions.

e. Participate in preemployment, employment, or transitional training in classrooms or at off-campus sites.

f. Communicate effectively with employers and employees at work sites and with personnel or members of the public in other transitional learning environments.

24.3(5) *School library media—prekindergarten through grade 12.* The school library media paraeducator will successfully complete the following list of competencies so that, under the direct supervision and direction of a qualified school library supervisor or school librarian, the paraeducator will be able to:

a. Be aware of, implement, and support the goals, objectives, and policies of the school library media program.

b. Assist the school library supervisor or school librarian in general operations, such as processing materials, circulating materials, performing clerical tasks, assisting students and staff, and working with volunteers and student helpers, and to understand the role of the paraeducator in the library setting in order to provide efficient, equitable, and effective library services.

c. Demonstrate knowledge of library technical services, including but not limited to cataloging, processing, acquisitions, routine library maintenance, automation and new technologies.

d. Be aware of and support the integration of literacy initiatives and content area standards (e.g., visual information and technology in support of the curriculum).

e. Be aware of the role school libraries play in improving student achievement, literacy, and lifelong learning.

f. Demonstrate an understanding of ethical issues related to school libraries, such as copyright, plagiarism, privacy, diversity, confidentiality, and freedom of speech.

g. Assist in the daily operations of the school library program, such as shelving, working with volunteers and student helpers, inventory, materials repair and maintenance.

h. Exhibit welcoming behaviors to all library patrons and visitors to encourage use of the library and its resources.

i. Demonstrate knowledge of the school library collection and the availability of other resources that will meet individual student information or research needs.

j. Demonstrate a general knowledge of basic technology skills and assist in troubleshooting basic hardware and software problems.

24.3(6) *Speech-language pathology (SLP)—prekindergarten through grade 12.* The SLP paraeducator will successfully complete the following list of competencies so that, under the direction and supervision of a qualified speech-language pathologist, the paraeducator will be able to:

a. Understand the roles and responsibilities of the SLP paraeducator.

b. Demonstrate a basic understanding of the four areas of communication, including articulation, language, fluency, and voice, and how they occur through typical development.

c. Demonstrate an understanding of articulation/phonological disabilities.

d. Demonstrate an understanding of language disabilities.

e. Use appropriate instructional procedures and reinforcement techniques when working with children with articulation/phonological disabilities.

f. Use appropriate instructional procedures and reinforcement techniques when working with children with language disabilities.

g. Gather information as directed by the speech-language pathologist regarding the performance of children, including recording and charting responses.

24.3(7) *Vision impairments—prekindergarten through grade 12.*

a. Demonstrate knowledge of the impact of vision loss on learning and concept development for students who are blind or visually impaired.

(1) Demonstrate introductory knowledge of expanded core curriculum (ECC) and the ability to support ECC skills as directed by the supervising professional.

(2) Demonstrate introductory knowledge of functional vision assessments (FVA) and learning media assessments (LMA) of students who have vision impairments.

b. Demonstrate knowledge of and skills in technology appropriate to the needs of students with vision impairments.

(1) Operate and use assistive technology that supports students who have vision impairments.

(2) Support and strengthen each student's capability to access and utilize assistive technology.

c. Demonstrate introductory knowledge of instructional strategies unique to students who have vision impairments.

(1) Demonstrate the ability to adapt educational materials by using varied learning media as determined by student needs.

(2) Demonstrate an introductory knowledge of Braille in relation to identified or expressed student needs or both.

(3) Demonstrate introductory skills in operating transcription software and equipment.

d. Demonstrate introductory knowledge of motor skills, movement, orientation, and mobility for students with vision impairments.

e. Demonstrate knowledge of the role of paraeducators in student plans, including IEPs and individualized family service plans (IFSPs).

f. Demonstrate knowledge about and skills in fostering independence, self-determination, social skills, self-advocacy, and appropriate behaviors for students with vision impairments.

g. Demonstrate professionalism and ethical practices, including appropriate communication skills in relation to students with vision impairments and the students' service providers and families.

24.3(8) *Autism spectrum disorders.* Under the direction and supervision of a qualified classroom teacher, the paraeducator will successfully complete the following list of competencies.

a. Foundations. Under the supervision of a licensed education professional, the paraeducator will:

(1) Demonstrate an understanding of the components of education plans (IEP, behavior intervention plan (BIP), functional behavioral analysis (FBA), and Section 504 Plan).

(2) Identify common characteristics of students with autism spectrum disorder (communication, social, restricted interest and behavior) and how these characteristics compare to those of typical children.

b. Learning environment. Under the supervision of a licensed education professional, the paraeducator will:

(1) Assist in structuring the environment to meet the needs of students with autism spectrum disorder.

(2) Implement with integrity schedules and educational programs prescribed by the licensed teacher.

c. Content and instruction. Under the supervision of a licensed education professional, the paraeducator will:

(1) Implement the educational, academic, and communication accommodations, adaptations, and supports assigned by a teacher.

(2) Provide opportunities for students with autism spectrum disorders to initiate and respond to large interactions and small interactions in academic settings.

(3) Provide opportunities for students with autism spectrum disorders to initiate, respond to, and participate in interactions in large groups and small groups in authentic situations.

(4) Gather and maintain data on student academic performance as directed by a licensed teacher.

(5) Assist educational staff in developing accommodations and adaptations and self-determination skills to increase student independence.

d. Emotional and behavioral. Under the supervision of a licensed education professional, the paraeducator will:

(1) Understand and identify the function of a behavior (e.g., antecedents, behaviors, consequences).

(2) Collect data on student behavior and related environmental stimuli, based on the concepts of antecedents, behaviors and consequences.

(3) Implement antecedent strategies on student behavior as defined by the licensed educator.

(4) Reinforce and practice replacement behaviors as defined by the licensed educator.

(5) Respond to problem behaviors in a consistent manner as defined by the licensed educator.

(6) Gather and maintain data on student social and behavioral performance as directed by a licensed teacher.

e. Professional relationships. Under the supervision of a licensed education professional, the paraeducator will:

(1) Demonstrate the ability to support the viewpoints and perspectives of students with autism and be empathetic to the students' learning styles.

(2) Respond to challenging behaviors in a respectful, empathetic manner.

f. Ethical and professional practice. Under the supervision of a licensed education professional, the paraeducator will:

(1) Know and understand the expectations of confidentiality in regard to student information and social media usage.

(2) Know and understand the legal constructs of the IEP and the Individuals with Disabilities Education Act (IDEA).

24.3(9) *Paraeducator substitute authorization.* An individual who holds a paraeducator certificate and completes the substitute authorization requirements set forth in rule 282—22.2(256) but who does not meet the degree requirement in 282—subparagraph 22.2(1)*"a"*(2) is authorized to substitute only in the special education classroom in which the individual paraeducator is employed unless emergency permission is granted by the executive director or designee based on documented need provided by the employer. The employer will make a good-faith effort to employ a substitute teacher who is not a paraeducator before requesting such emergency permission. A school district employing a paraeducator as a substitute pursuant to this subrule will compensate the person at the higher rate of either the school district's substitute pay per diem or the hourly pay to which the paraeducator is otherwise entitled.

282—24.4(256) Prekindergarten through grade 12 advanced paraeducator certificate. Applicants for the prekindergarten through grade 12 advanced paraeducator certificate will have met the following requirements:

24.4(1) Currently hold or have previously held an Iowa paraeducator generalist certificate.

24.4(2) Possess an associate's degree or have earned 62 semester hours of college coursework. Degrees and semester hour credits will be completed through a college or university accredited by an institutional accrediting agency as recognized by the U.S. Department of Education.

24.4(3) Complete a minimum of 2 semester hours of coursework involving at least 100 clock hours of a supervised practicum with children and youth. These 2 semester hours of practicum may be part of an associate's degree or part of the earned 62 semester hours of college coursework.

These rules are intended to implement Iowa Code chapter 256.