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**CHAPTER 10: GENERAL SUPERVISION SYSTEM  
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## Chapter 10: ~~Improving Results~~ General Supervision System Requirements

This chapter identifies the Idaho Department of Education's responsibilities for supervising and monitoring LEAs' implementation of the IDEA. These responsibilities include focusing ~~reflects the changes in the IDEA that focus~~ on improving educational results and functional outcomes for all students with disabilities, analyzing and reporting data to the public, and ensuring that personnel who work with students with disabilities are ~~qualified. prepared to meet their unique needs.~~

### Section 1. Department's General Supervision System

The Idaho Department of Education is responsible for the general supervision and oversight of IDEA compliance in Idaho. The Idaho Department of Education is responsible for ensuring that IDEA provisions are carried out, and that each educational program for children with disabilities administered within Idaho, including each program administered by other State agencies or districts, is under the general supervision of the persons responsible for educational programs for children with disabilities and meets Idaho educational standards.

The Idaho Department of Education is responsible for creating and implementing a general supervision system, which includes, at a minimum, the following eight (8) integrated components:

1. Integrated monitoring activities;
2. Data on processes and results;
3. The State Performance Plan/Annual Performance Report (SPP/APR);
4. Fiscal management;
5. Effective dispute resolution;
6. Targeted technical assistance and professional development;
7. Policies, procedures, and practices resulting in effective implementation; and
8. Improvement, correction, incentives, and sanctions.

### Section ~~1.~~ 2. Integrated Monitoring Activities ~~Priorities and Indicators~~

In fulfilling its general supervision responsibilities, and as a condition of receiving IDEA funds, the Idaho Department of Education must monitor LEAs in each of the following priority areas:

1. The provision of FAPE in the least restrictive environment (LRE);
2. General supervision, including effective monitoring within the LEA;
3. Child find;
4. A system of transition services, including for early child and secondary transition;
5. The use of resolution meetings as part of due process hearings;
6. Mediation; and
7. Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Monitoring of all LEAs will occur within a reasonable period of time and at least once within a six-year period. However, when the Idaho Department of Education becomes aware of an “area of concern” or credible allegation regarding an IDEA policy, practice or procedure within an LEA, it must conduct due diligence in a timely manner to address the area of concern and reach a conclusion in a reasonable amount of time.

If the Idaho Department of Education determines that an LEA is out of compliance with an applicable IDEA requirement, a written notification of noncompliance will be issued, unless the LEA immediately corrected the noncompliance, and the Idaho Department of Education is able to verify the correction before it issues a finding.

The Idaho Department of Education must use the threshold of 100 percent compliance when determining an LEA’s compliance with IDEA requirements. Compliance and verification of compliance must occur as soon as possible, but no later than one year (365 days) after the Idaho Department of Education’s written notification of noncompliance. Compliance includes addressing the extent and cause of the identified noncompliance, in addition to ensuring student-specific and systemic corrections occur.

In those instances when the Idaho Department of Education has identified student-specific noncompliance, it will verify correction by reviewing each individual case (not a subset or sample) of previously noncompliant files, records, data files or whatever data source was used to identify the original noncompliance, to verify correction by the LEA of student-specific noncompliance, unless the student is no longer within the jurisdiction of the district, and no outstanding corrective action exists under a State complaint or due process hearing decision for the student.

In some cases, monitoring activities may require system-level verification. System-level verification refers to the process of ensuring that an LEA has addressed and improved its practices related to the identified area(s) of noncompliance. This is done through a review of subsequent evidence and documentation to demonstrate that the LEA has implemented corrective actions and improved practices across their system. The purpose of system-level verification is to confirm that the LEA has made necessary adjustments to prevent recurrence within the system.

#### A. Results Driven Accountability (RDA) Monitoring System

~~The Idaho State Department of Education (SDE) is responsible for the design and implementation of a system of general supervision that monitors the fulfillment of the Individuals with Disabilities Education Act (IDEA) of 2007.~~ The activities under the Idaho Special Education Results Driven Accountability (RDA) Monitoring System monitor LEAs for results and compliance. Based on stakeholder educational partner input, the monitoring system includes a focus on providing supports to LEAs to meet the requirements of IDEA.

The Guiding Principles of the Results Driven Accountability Monitoring System are:

1. Improving educational results and functional outcomes for all students with disabilities; and ensuring that Idaho meets the ~~program required by~~ requirements of

- IDEA, with ~~a particular~~ emphasis on those requirements that are most closely related to improving education results for students with disabilities.
2. The RDA Monitoring System provides the framework for the ~~SDE~~ Idaho Department of Education to partner with LEAs to be mutually responsible for improving educational results and functional outcomes for all students with disabilities, ~~student outcomes~~ and is designed to guide and support ~~districts~~ LEAs in their pursuit of preparing students with disabilities to persevere in life and be ready for postsecondary opportunities. ~~college and careers. To meet the general supervision requirements, the SDE will conduct an annual review of each LEA's performance on a pre-identified set of results and compliance indicators and special conditions areas. Data from the annual review will be compiled into the RDA Determination Report.~~
  3. The ~~district~~ LEA is required to submit timely and accurate data from which the ~~district's~~ LEA's performance will be calculated based on the indicators in the Idaho's Idaho Department of Education's State Performance Plan, posted online annually on the ~~SDE~~ Idaho Department of Education website.

#### B. ~~SDE Responsibility~~ LEA Determinations

The Idaho Department of Education must make annual LEA determinations regarding the performance of LEAs. If the Idaho Department of Education determines that an LEA needs assistance for two consecutive years, needs intervention for three or more consecutive years, or at any time the Idaho Department of Education determines that an LEA needs substantial intervention, the Idaho Department of Education is required to take certain enforcement actions. These actions may include technical assistance, conditions on funding of an LEA, a correction action plan, and withholding funds, in whole or in part.

~~As part of the SDE general supervision responsibilities, the SDE is required to collect, review, and analyze data on an annual basis to determine if the state and districts are making progress toward the required performance goals.~~ This accountability process includes:

1. ensuring the data provided and reported by LEAs to the Idaho Department of Education is timely and accurate;
2. measuring performance on goals ~~both~~ for the state and the ~~districts~~ LEAs;
3. monitoring based on ~~district~~ LEA result and compliance data with the IDEA, and progress made toward meeting state goals;
4. identifying ~~districts~~ LEAs in one of the following RDA Determination categories: Meets Requirements, Needs Assistance, Needs Intervention, Needs Substantial Intervention;
5. identifying ~~districts~~ LEAs in of the following Differentiated Levels of Support categories: Support and Guiding, Assisting and Mentoring, Directing;

6. providing professional development and technical assistance statewide and targeted technical assistance to ~~districts~~ LEAs demonstrating the highest needs;
7. reporting to the public on the state and ~~districts~~ LEAs' performance on state goals; and
8. developing and submitting an Annual Performance Report/State Performance Plan, as needed, to address state performance on required goals.

### C. Fiscal Monitoring ~~District Responsibility~~

The Idaho Department of Education's IDEA general supervision responsibility must be read with other Federal monitoring requirements, including fiscal monitoring. The Idaho Department of Education IDEA Part B Fiscal Accountability Office conducts federal fiscal grant subrecipient monitoring and compliance reviews and implements related corrective actions for associated noncompliance. The Fiscal Accountability Office incorporates best practices and standards and follows the requirements set forth in 2 CFR Part 200 Uniform Grant Guidance, 34 Part 76 Education Department General Administrative Regulations (EDGAR) and 34 CFR Part 300 Assistance to States for the Education of Children with Disabilities.

The Fiscal Accountability Office conducts an annual fiscal risk assessment in conjunction with a cyclical monitoring cohort of LEAs. Monitoring staff employ a thorough rubric to determine and issue findings. Each LEA is subject to fiscal monitoring no less than once every five years. Reimbursement requests for IDEA Part B funding require documentation for review and cost allocability throughout the year for all LEAs. MOE eligibility and compliance testing, excess cost reporting, supplement not supplant crosscutting measures, applicable Private School Proportionate Share, CEIS, and CCEIS compliance reporting are conducted annually through the IDEA Part B Application for funding.

As a condition for receiving IDEA Part B funds, the LEA shall provide assurance in the IDEA Part B Application that the school board or board of trustees has adopted the most current version of this Manual.

~~Progress on the state's performance goals is directly linked to the districts' efforts and progress in these same areas. On an annual basis and as part of the SDE's general supervision and accountability, the district shall:~~

- ~~1. ensure the data it collects and reports to the SDE regarding special education students and personnel is accurate;~~
- ~~2. use data-based decision-making procedures to review and analyze data to determine if the district is making adequate progress toward performance goals; and~~
- ~~3. adjust strategies, as needed, to meet goals and improve student outcomes.~~

### Section ~~2~~ 3. ~~Comprehensive~~ Coordinated Early Intervening Services (CEIS) & Comprehensive Coordinated Early Intervening Services (CCEIS)

Coordinated early intervening services (CEIS) are services to help children who need additional academic or behavioral support to be successful in school. The activities for CEIS must align with allowable uses under IDEA and also adhere to the regulations outlined in the Office of

Management and Budget (OMB) Uniform Grant Guidance. Under the OMB Uniform Grant Guidance, costs must be necessary, reasonable, allocable, and adequately documented. LEAs must use generally acceptable accounting principles to document expenditure of funds.

#### A. Voluntary Coordinated Early Intervening Services (CEIS)

Under the IDEA, the ~~district~~ LEA may use up to 15% of its IDEA Part B allocation in any fiscal year to provide ~~coordinated comprehensive~~ early intervening services (CEIS) for students in kindergarten through grade twelve (12), ~~(with a particular emphasis on students in kindergarten through grade three (3) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.~~

These funds may be used for activities that include:

1. Professional development for teachers and other school staff to enable such personnel to deliver ~~scientifically evidence~~-based academic and behavioral interventions, including ~~scientifically evidence~~-based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
2. Providing educational and behavioral evaluations, services, and supports, including ~~scientifically evidence~~-based literacy instruction.

~~Should a district be found in having significant disproportionality as provided under Part B, the district shall use 15% of its IDEA Part B allocations to provide comprehensive coordinated early intervening services.~~

#### A. Fiscal Requirements for CEIS

If the ~~district~~ LEA chooses to use IDEA Part B funds in any fiscal year to provide voluntary CEIS, the ~~district~~ LEA will budget the amount used to provide these services, up to a maximum of 15% of the total allocation, in the Part B budget that is submitted annually to the ~~SDE~~ Idaho Department of Education as part of the Part B and Preschool Application.

LEAs taking the Maintenance of Effort (MOE) adjustment may be limited in the amount of CEIS funds they can reserve. The combined amount taken for both voluntary CEIS and the LEA MOE adjustment cannot exceed the maximum amount available for CEIS or the maximum amount available for the LEA MOE adjustment.

#### B. Reporting Requirements for CEIS

Fiscal and LEA child data must be reported by states to the U.S. Department of Education for CEIS. LEAs must be able to collect and report the data according to federal and state requirements when planning for and implementing CEIS services.

When the LEA uses IDEA Part B funds to provide CEIS, an annual report shall be submitted through the IDEA Part B Application for funding to the Idaho Department of Education including:

1. The number of children who received CEIS; and
2. The number of children who received CEIS and subsequently receive special education and related services during the preceding two (2) year period.

#### C. Relationship between FAPE and CEIS

CEIS provided by the ~~district~~ LEA shall not be construed to either limit or create a right to FAPE under the IDEA or to delay appropriate evaluation of a student suspected of having a disability.

### Section 4. Comprehensive Coordinated Early Intervening Services (CCEIS):

The Idaho Department of Education must determine annually whether each LEA has a significant racial or ethnic disproportionality in the identification of children for special education services, including the identification of children as children with disabilities in one of six common categories; the placement of those children; and the disciplinary removal of those children from their placements. LEAs with significant disproportionalities must reserve 15 percent of their total IDEA Section 611 and Section 619 funds to implement CCEIS. These CCEIS funds must be used to identify and address the root causes of the LEA's disproportionalities. CCEIS can be used for children with and without disabilities from age three (3) through grade twelve (12), particularly, but not exclusively, children in those racial/ethnic groups who were significantly overrepresented with respect to identification, placement, or discipline.

#### A. Fiscal Requirements for CCEIS

Should an LEA be found to have significant disproportionality as provided under Part B, the district shall use 15% of its IDEA Part B allocations to provide comprehensive coordinated early intervening services (CCEIS). Exactly 15 percent of the LEA's total Section 611 and Section 619 subgrants shall be calculated, reserved, and used. The Idaho Department of Education calculates the amount to be reserved for CCEIS, capturing the total LEA allocation (Sections 619 and 611) and multiplying by 15 percent. The funds may be reserved from either or both subgrants, but the total reserved must equal exactly 15 percent of the total of those two subgrants. The reserved funds must be used only for CCEIS for the full period of their availability.

Under IDEA's LEA MOE requirement, LEAs are required to maintain their level of year-to-year expenditures on special education and related services, using local-only funds or state and local funds. IDEA includes a provision that allows eligible LEAs to reduce their required level of effort by 50 percent of the increase (if any) in their annual Section 611 allocation. However, there are restrictions on this flexibility. LEAs implementing CCEIS cannot take an MOE adjustment to their state and local spending in a fiscal year in which they are required to use



CCEIS funds.

CCEIS funds must be used to identify and address the factors and any policy, practice, or procedure that the LEA identifies as contributing to its significant disproportionality. It is the LEA's responsibility to determine the contributing factors, or root causes, for its situation. IDEA lists some possible factors, including:

1. a lack of access to evidence-based instruction;
2. economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings;
3. inappropriate use of disciplinary removals;
4. lack of access to appropriate diagnostic screenings;
5. differences in academic achievement levels; and
6. policies, practices, or procedures that contribute to the significant disproportionality.

A root cause analysis and the action planning process should be conducted and can be supported with CCEIS funds.

## **A ~~Budget Requirements~~**

~~If the district chooses to use IDEA Part B funds in any fiscal year to provide CEIS, the district will budget the amount used to provide these services, up to a maximum of 15% of the total allocation, in the Part B budget that is submitted annually to the SDE as part of the Part B and Preschool Application.~~

## **B. Reporting Requirements for CCEIS**

Fiscal and LEA child data must be reported by states to the U.S. Department of Education for CCEIS. LEAs must be able to collect and report the data according to federal and state requirements when planning for and implementing CCEIS services.

When the ~~district~~ LEA uses IDEA Part B funds to provide CCEIS, an annual report shall be submitted through the IDEA Part B Application for funding to the ~~SDE~~ Idaho Department of Education ~~on~~ including:

1. The number of children who received CCEIS; and
2. The number of children who received CCEIS and subsequently receive special education and related services during the preceding two (2) year period.

## ~~C Relationship between FAPE and CEIS~~

~~CEIS provided by the district shall not be construed to either limit or create a right to FAPE under the IDEA or to delay appropriate evaluation of a student suspected of having a disability.~~

### Section ~~3.~~ 5. Personnel

The ~~district~~ LEA shall ensure that personnel working with students with disabilities meet the qualifications established by the ~~SDE~~ Idaho Department of Education and have the content knowledge and skills to meet the needs of these students.

#### A. Appropriate Certification or Licensure

Public school personnel shall meet the appropriate certification or licensure requirements for position assignments. Complete certification standards for personnel providing special education or related services may be found ~~in the handbook titled Idaho Standards for the Initial Certification of Professional School Personnel. This handbook is available from the SDE Certification and Professional Standards Department.~~ by visiting the Certification and Professional Standards webpage of the Idaho Department of Education's website.

Some special education and related services positions may require individuals to be certificated by the Idaho Department of Education and meet additional licensure requirements in their area of expertise, to be certificated by the Idaho Department of Education, or to meet licensure or certification requirements in their respective professions or areas of expertise without a requirement for certification by the Idaho Department of Education.

An emergency provisional certificate and the public charter school-specific teacher certificate cannot be used as an alternative for individuals to become certificated special education teachers in Idaho. The LEA shall use the alternative authorization options to request alternative endorsement/certification when a professional position cannot be filled with someone who holds the appropriate endorsement/certification.

~~The lists that follow are examples only. They do not include every possible position or licensing situation. For more information, call the SDE Certification and Professional Standards Department at (208) 332-6800.~~

- ~~1. The following special education and related services positions require individuals who are employed by the district to be certificated and to meet any additional licensure requirements:~~
  - ~~a. audiologist;~~
  - ~~b. consulting teacher;~~
  - ~~c. counselor;~~
  - ~~d. director of special education;~~

- e. ~~early childhood special education teacher;~~
  - f. ~~school psychologist;~~
  - g. ~~special education teacher;~~
  - h. ~~speech language pathologist; and~~
  - i. ~~supervisor/coordinator of special education.~~
2. ~~Some special education service providers need both licensure in their area of expertise and certification from the SDE.~~
- a. ~~School nurses are certificated by the SDE and licensed by the Idaho Board of Nursing.~~
  - b. ~~School social workers are certificated by the SDE and licensed by the Idaho Board of Social Work Examiners.~~
3. ~~Some special education service providers must meet the licensure or certification requirements in their respective professions, but certification from the SDE is not required.~~
- a. ~~Occupational therapists and physical therapists are licensed by the Occupational Therapy Licensure Board of Idaho.~~
  - b. ~~Physical therapists are licensed by the Idaho Physical Therapy Licensure Board.~~
  - c. ~~Vocational education teachers are certificated by the Idaho Division of Career and Technical Education.~~
  - d. ~~Vocational rehabilitation counselors must meet national standards for Certified Rehabilitation Counseling (CRC) to be employed by the Idaho Division of Vocational Rehabilitation.~~
4. ~~An emergency provisional certificate cannot be used as an alternative for individuals to become certificated special education teachers in Idaho. The district shall use the alternative authorization options to request alternative endorsement/certification when a professional position cannot be filled with someone who holds the appropriate endorsement/certification.~~

## B. Shortage of Personnel

If there is a shortage of qualified personnel, the ~~district~~ LEA shall take measurable steps to recruit and hire qualified personnel to provide special education and related services to students with disabilities. However, when a professional position cannot be filled with an individual who has the appropriate certification, vacant positions may be filled with personnel ~~on the following approved alternate pathways to teaching;~~ on an approved alternate pathway to teaching. Information regarding pathways to certification/endorsement is available on the Certification and

Professional Standards webpage of the Idaho Department of Education's website.

- ~~1. Teacher to New Certification: An individual holds a Bachelor's degree and a valid teaching certificate without full endorsement in area of need. The candidate works towards completing a preparation program for special education certification and is employed by the district.~~
- ~~2. Content Specialist: An individual who is uniquely qualified in an area and holds a Bachelor's degree. The candidate works towards completing a preparation program while employed by the district. The preparation program must include mentoring, one classroom observation per month until certified, and prior to entering the classroom; the candidate completes an accelerated study in education pedagogy.~~
- ~~3. Non-Traditional Route to Certification: An individual may acquire interim certification through a non-traditional alternative route to teacher certification that is approved by the State Board of Education. During the interim certification, teaching shall be done in conjunction with a two-year mentoring program approved by the State Board of Education.~~

~~Further information and all requirements for each alternative route to certification are available in Idaho Administrative Code (IDAPA 08.02.02).~~

Nothing in the IDEA creates a right of action on behalf of a student or class of students for failure to employ qualified staff.

### C. Paraprofessionals, ~~Assistants, and Aides~~

The ~~district~~ LEA may employ paraprofessionals, ~~assistants, and aides~~ who are appropriately trained and supervised to assist in the provision of special education and related services to students with disabilities if they meet standards established by the ~~SDE~~ Idaho Department of Education. ~~(find the "Standards for Paraprofessionals Supporting Students with Special Needs" on the SDE website).~~

~~Appropriate duties to be performed by paraprofessionals are:~~

- ~~1. provide one-on-one services for students as specified in the students' IEP;~~
- ~~2. assist with classroom management and organizing materials;~~
- ~~3. provide assistance in a computer lab or media center;~~
- ~~4. conduct parental involvement activities;~~
- ~~5. act as a translator;~~
- ~~6. assist in provision of services only under the direct supervision of a certified teacher or related service provider, specifically:~~

- ~~a. a teacher/related service provider plans instruction and evaluates student achievement; and~~
- ~~b. the paraprofessional works in conjunction with the teacher or related service provider as determined by the student's IEP.~~

Paraprofessionals may assist in the provision of special education and related services to students with disabilities by providing small-group or other individualized services for students as specified in the students' IEPs.

Paraprofessionals may assist in the provision of services only under the direct supervision of a certified teacher or related service provider. A teacher/related service provider shall plan instruction and assess student progress. The paraprofessional shall work in collaboration with the teacher or related service provider as provided for in the student's IEP.

Paraprofessionals assisting in the provision of special education and related services to students with disabilities shall have a high school diploma or its recognized equivalent. They shall also meet at least one of the following requirements:

1. Complete two (2) years of study at an institution of higher education; or
2. Obtain an associate's (or higher) post-secondary degree; or
3. Meet a rigorous standard of quality and be able to demonstrate, through a formal State-approved academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

~~A special education paraprofessional shall be qualified as follows:~~

- ~~1. All paraprofessionals must have a secondary school diploma or its recognized equivalent~~
- ~~2. Additionally, except as noted below, paraprofessionals must have:~~
  - ~~a. Completed two years of study at an institution of higher education; or~~
  - ~~b. Obtained an associate's (or higher) degree; or~~
  - ~~c. Met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness). (in Idaho this is the ETS Parapro-Praxis with a minimum score of 460).~~

~~The district may encourage qualified paraprofessionals employed in their classrooms to become certified teachers.~~

#### D. Educational Sign Language Interpreters

The ~~district~~ LEA may only employ an individual as an educational sign language interpreter if they have met the state qualifications identified in ~~Section 33-1304~~, Idaho Code. ~~Educational interpreters employed by the district shall complete a minimum of eighty (80) hours of training in the areas of interpreting or translating every five (5) years.~~

#### E. Supervision of Staff

A teacher and/or a related service provider with appropriate certification or licensure who has been informed of his or her specific responsibilities related to a student's IEP has the primary responsibility to ensure the appropriate implementation of the IEP. The ~~district~~ LEA shall have ~~has~~ policies and procedures for the supervision and evaluation of all certificated/licensed or contracted employees.

The certificated/licensed teacher and/or related service provider will generally be responsible for the supervision of all ~~paraprofessionals, assistants, and aides~~ support staff who provide direct services to students with disabilities. ~~All paraprofessionals, assistants, and aides must have a supervision plan developed by a certificated or licensed professional.~~

#### F. Professional Development ~~Plan~~

The ~~district~~ LEA shall ~~will~~ take measures to ensure that all personnel necessary to provide special education and related services according to the IDEA are appropriately and adequately prepared. Personnel may use a variety of opportunities for technical assistance and training activities to further develop professional knowledge and skills ~~in order~~ to meet the needs of students with disabilities.

~~To the extent the district determines it is appropriate, paraprofessional personnel may use the technical assistance and training activities offered by the district or SDE to improve practice for paraprofessional supports for special needs.~~

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