



Wyoming Department of Education

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MEMORANDUM NO. 2014-083

TO: School District Superintendents
Special Education Directors

FROM: Tiffany Dobler, Division Administrator
Special Programs Division

DATE: July 14, 2014

SUBJECT: Use of Licensed Aides

USE OF LICENSED AIDES

CHEYENNE - Recently, the Special Programs Division of the Wyoming Department of Education (WDE) has been asked about the use of Certified Occupational Therapy Assistants (COTAs), Speech Language Pathology Assistants (SLPAs), and other aides in providing specialized instruction or related services to students with special education needs. Through research and review of rules, the division has come to the following conclusions:

In all circumstances, related services must be provided by qualified professionals. As part of providing specialized instruction or related services, professionals may use assistants as provided by 34 C.F.R. § 300.156(b)(2)(iii) (see attached). These assistants must be qualified pursuant to state law and must act within the scope of their licensure as assistants. This means that they must perform only those tasks permitted under their licensure and must be adequately supervised as their licensing authority requires.

It is important to note that the WDE recognizes that there may be circumstances in which a particular child's needs require that specific services ordinarily provided by an appropriately supervised aide must instead be provided by the supervising professional. When determining specialized instruction and service needs, IEP teams are advised to consider whether this is the case for a particular child, and if so, note specifically on the IEP that the supervising professional may not delegate services to an aide.

When documenting specialized instruction or related services on the IEP, teams are advised to document the nature of the service being provided. A licensed aide essentially functions under the licensure of the supervising professional. Therefore, the supervising individual is responsible for providing services, whether or not service delivery is carried out directly from the individual or from the licensed and appropriately supervised aide.

School districts are responsible for ensuring that services are appropriately provided, including maintaining contact with the supervising professional to ensure that appropriate supervision is indeed occurring.

For those researching rules that govern professional practice in Wyoming, see: <http://soswy.state.wy.us/Rules/default.aspx>. Select “Administration and Information, Dept. of” in the Agency field. Under the Program field, select the particular occupation under consideration. Under the Rule Type field, select “Current Rules and Regulations.” Leave the remaining fields empty and click “Search.”

For more information please contact Tiffany Dobler at (307) 857-9253 or tiffany.dobler@wyo.gov

Attachment: § 300.156 Personnel qualifications.

§ 300.156 Personnel qualifications.

(a) *General.* The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

(b) *Related services personnel and paraprofessionals.* The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that—

(1) Are 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; and

(2) Ensure that related services personnel who deliver services in their discipline or profession—

(i) Meet the requirements of paragraph (b)(1) of this section; and

(ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, 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.