



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR - 6 1998

Ouida Holder
Coordinator
Early Intervention Program
Alabama Department of
Rehabilitation Services
2129 E. South Boulevard, Box 11586
Montgomery, Alabama 36111-0586

Dear Ms. Holder:

This office has received the enclosed letter, dated August 30, 1997, from Samara Baird, which she wrote in her capacity as Chair of the Personnel Subcommittee of the Alabama Interagency Coordinating Council. In her letter, Ms. Baird requested clarification regarding the personnel standards requirements of Part H of the Individuals with Disabilities Education Act (Part H) for providers of the early intervention service "special instruction," defined at 34 CFR §303.12(d)(13). She appears to be concerned that various proposals for changes to Alabama's personnel standards for early intervention services, specifically for the category of "special instruction," may violate Federal requirements. Our responses to the issues set out in Ms. Baird's inquiry follow.

Under 34 CFR §303.361, "[e]ach statewide system must have policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained." 34 CFR §303.361(b)(1). These policies and procedures "must provide for the establishment and maintenance of standards that are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the profession or discipline in which a person is providing early intervention services." 34 CFR §303.361(b)(2).

Part H's personnel standards provisions do not prescribe any specific standards for persons providing early intervention services in a State, including the service of "special instruction", but rather impose an obligation on each State to establish and maintain standards for entry-level employment of personnel providing early intervention services. These standards must be based on the "highest requirements in the State," that is, the highest academic

degree requirement for entry-level employment across all State agencies serving infants and toddlers with disabilities in the State. See 34 CFR §§303.361(a)(2), (e). If a State's standard for a specific profession or discipline is not based on the highest entry-level academic degree requirement for entry-level employment in that profession, the State must develop a plan for upgrading all personnel in that profession to appropriate professional requirements in the State. 34 CFR §303.361(c).

To comply with Part H's personnel standards provisions, Alabama must determine the entry-level academic degree requirement for employment for providers of the early intervention service, "special instruction." It is our understanding from Ms. Baird's letter that, under one option proposed in Alabama, individuals from different disciplines would be permitted to provide the early intervention service of "special instruction," without the current certification requirement. According to Attachment E to her letter, entitled "A Proposal for Revision . . . ; Revised 5/27/97," qualified providers of "special instruction" would have to meet the entry-level requirement of bachelor's degree in one, of several specific disciplines, as well as meet "generic" and "discipline-specific" competencies.

Under Part H's personnel standards provisions, a State may establish an entry-level academic degree requirement for employment of providers of the early intervention service, "special instruction," so long as the standard the State establishes is based on the highest requirements in the state for providers of that service. Thus, the State may choose a standard for "special instruction" that is based on a bachelor's degree in certain other professions or disciplines, so long as the bachelor's degree is the highest entry-level requirement for "special instruction" in the State. However, if Alabama were to adopt the bachelor's degree as the entry-level academic degree requirement for providers of "special instruction," there is nothing in Part H's personnel standards provisions that would preclude the State from allowing individuals with higher academic degrees From serving in that field as well.

In her letter, Ms. Baird questions proposals under which the State would no longer require providers of "special instruction" to obtain a certification in early childhood special education. A number of States have developed a system of credentialing for Part H personnel, both professional and paraprofessional, in order to address specific personnel training issues. State law, not Part H's personnel standards provisions, governs whether individuals

who provide particular early intervention services must be licensed or hold some other credential. So long as Alabama ensures that providers of the early intervention service "special instruction" are qualified (see definition at 34 CFR §303.21), there is nothing in Part H that would require Alabama to adopt a certification standard as its qualification criterion for providers of "special instruction."

We hope that the above explanation is helpful in clarifying Part H's personnel standards provisions and Alabama's responsibilities in complying with those provisions.

If you need further assistance, please contact Ms. Sheryl Parkhurst, your Part H project Officer in the Monitoring and State Improvement Programs Division; at (202) 205-9375, or Dr. JoLeta Reynolds or Ms. Rhonda Weiss in the Office of Special Education Programs at (202) 205-5507 or (202) 205-9053, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir", with a stylized flourish at the end.

Thomas Hehir
Director
Office of Special Education
Programs

Enclosure .

cc: Ms. Samera Baird