



January 2012

SPECIAL EDUCATION FIELD ADVISORY

From: James P. DeLorenzo

Subject: Guidelines for Determining a Student with a Disability's Need for a One-to-One Aide

The purpose of this memorandum is to provide guidance to assist Committees on Preschool Special Education (CPSEs) and Committees on Special Education (CSEs) in determining a student with a disability's need for a one-to-one aide. A recommendation for an individual aide is a significant programmatic decision and one that should only be made after a comprehensive discussion of other options considered and clear documentation of as to why those options are not appropriate. While, some students may temporarily need the support of a one-to-one aide to receive a free appropriate public education¹, for other students, the assignment of a one-to-one aide may be unnecessarily and inappropriately restrictive. Footnote references have been provided to examples of legal decisions relating to the use of one-to-one aides.

A goal for all students with disabilities is to promote and maximize independence. CPSEs/CSEs are responsible for developing and implementing individualized education programs (IEPs) that promote such independence. When a CPSE or CSE determines that a student needs a one-to-one aide, it should always be considered a time-limited recommendation and specific conditions/goals must be established to fade the use of the one-to-one aide.²

One-to-one aides may not be used as a substitute for certified, qualified teachers for an individual student or as a substitute for an appropriately developed and implemented behavioral intervention plan or as the primary staff member responsible for implementation of a behavioral intervention plan. While a teaching assistant may assist in related instructional work, primary instruction must be provided to the student by a certified teacher(s). A teacher aide may assist in the implementation of a behavioral intervention plan, but may not provide instructional services to a student. See <https://www.highered.nysed.gov/tcert/home.html>.

¹ *P.K. and T.K. ex rel. S.K. v. New York City Dep't of Educ.*, [111 LRP 55318](#) (E.D.N.Y. 08/11/11)

² Killeen Independent School District, 39 IDELR 21 (SEA TX)

Considerations for Determining if a Student Needs a One-to-One Aide

Each decision to recommend a one-to-one aide must weigh the factors of both (1) the student's individual needs and (2) the available supports in the setting where the student's IEP will be implemented. There are a number of important considerations that must be made by the CPSE/CSE in regard to each of these factors. These include, but are not limited to, consideration of each of the following (see Attachment 1):

- The student's individual needs that require additional adult assistance (see Attachment 2).
- The skills and goals the student is planned to achieve that will reduce or eliminate the need for the one-to-one aide.
- The specific role (e.g., instructional, assistance with personal hygiene) that the aide will provide for the student.
- Other natural supports³, accommodations and/or services that could support the student to meet these needs (e.g., behavioral intervention plan; environmental accommodations or modifications; changes in scheduling; instructional materials in alternate formats; assistive technology devices; peer-to-peer supports).
- The extent (e.g., portions of the school day) or circumstances (e.g., for transitions from class to class) the student would need the assistance of a one-to-one aide (see Attachment 3).
- The special class size the CPSE or CSE has recommended for the student. Special class size recommendations are made in consideration of the students' management needs. For a student in a special class, an additional aide should only be recommended for specialized circumstances based on a student's individual needs and when it has been discussed and determined by the CPSE/CSE that the recommended special class size in the setting where the student will attend school, other natural supports, a behavioral intervention plan, etc., cannot meet these needs. Whenever a student is recommended for placement in a board of cooperative educational services (BOCES) or approved private school, the CSE should consult with the program regarding their staffing ratios prior to recommending a one-to-one aide in the student's IEP. The staffing configurations in these programs are designed to fully support students with similar needs.

³ **Natural supports** mean "those components of an educational program — philosophy, policies, people, materials and technology, and curricula — that are used to enable all students to be fully participating members of regular classroom, school, and community life." (*Jorgensen, C. (1992) Natural Support in Inclusive Schools. In Jan Nisbet (Ed.), Natural Supports in School, at Work, and in the Community for People with Severe Disabilities (pp. 179-215). Baltimore, MD: Brookes.*) Examples of such support may include supports from available staff (e.g., other aides, assistants, teachers, related service providers), peer support and environmental structures/supports (activities, routines, physical layout of the classroom, student seating).

- ❑ The potential benefits from assignment of the one-to-one aide and how these will be measured to determine continuation of the recommendation.
- ❑ The potential negative impact of assignment of a one-to-one aide for the student (e.g., self-image, isolation and/or development of independence).

Roles and Responsibilities of the One-to-One Aide

When the decision is made that a student requires a one-to-one aide, school personnel must:

- consider the qualifications of the individual (i.e., teaching assistant or teacher aide) that would be necessary to meet the needs of the student. See <https://www.highered.nysed.gov/tcert/home.html>⁴;
- establish a plan to monitor the student's progress toward the goals to be addressed by the assignment of the one-to-one aide and the student's continuing need for the one-to-one aide⁵;
- consider, as appropriate, a plan for progressively reducing the support provided to the student and his or her dependence on an aide over time⁶;
- plan for substitutes to serve as the student's one-to-one aide to cover staff absences in order to ensure the student receives the recommended IEP services of the one-to-one aide⁷; and
- ensure that the one-to-one aide has access to a copy of the student's IEP, has been informed of his or her responsibilities for IEP implementation for the student and has received the professional development and supervision necessary to carry out these responsibilities⁸.

Once a Committee recommends a one-to-one aide for an individual student, the staff person is expected to be in close proximity to and working with that student throughout the assigned period.

Attached are three sample forms that, when used together, will assist and guide CPSEs and CSEs in their consideration of a student's need for a one-to-one aide:

⁴ 8 NYCRR Part 80

⁵ Student with a Disability, 52 IDELR 59 (SEA NY)

⁶ A.C. and M.C. ex rel. M.C. v. Board of Education of the Chappaqua Central School District, 51 IDELR 147 (2nd Cir. 2009); 50 IDELR 3; Connally Independent School District, 34 IDELR 309 (SEA TX 2001)

⁷ Dorchester County (SC) #2 School District, Dorchester County (SC) #2 School District 37 IDELR 289 (OCR) 2002

⁸ Student with a Disability, 50 IDELR 150 (SEA NY 2008); Moorestown Township Bd. Of Education, 38 IDELR 139 (SEA NJ 2003)

1. One-to-One Aide Planning: Considerations and Recommendations
2. Checklist to Determine the Student's Needs as They May Relate to the Need for a One-to-One Aide
3. Considerations for Need for a One-to-One Aide: Available Natural and Other Supports for the Student's Schedule.

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE and CPSE Chairpersons, Guidance Counselors and Directors of Pupil Personnel and Parent Teacher Associations. Questions regarding this memorandum may be directed to the Special Education Policy Unit at (518) 473-2878 or your Special Education Quality Assurance Regional Associate at one of the following Regional Offices:

Central Region	(315) 476-5081
Eastern Region	(518) 486-6366
Hudson Valley Region	(518) 473-1185
Long Island Region	(631) 884-8530
New York City	(718) 722-4544
Western Region	(585) 344-2002
Nondistrict Unit	(518) 473-1185