



## SECTION 13

# STAFFING

**Staffing** refers to the identification of the required and qualified personnel to deliver the prescribed program according to a pupil's needs.

The district will have in effect and on file: policies, procedures, and programs that are consistent with the State policies and procedures. The school will have a policy that provides for measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education and related services under this part to children with disabilities. **These policies must be included in the district's comprehensive, documented TSES plan.**

#### Possible Items to Demonstrate Compliance

- † *District's staffing policies*
- † *Contracts and agreements*
- † *Copy of advertising for positions*
- † *List of teaching and related services staff, and their qualifications*
- † *List of additional related services resources and outside providers*
- † *Paraprofessional training agendas*
- † *Staff training agendas*

#### Teachers and Related Services Staff

A person who is providing instruction to a child will meet at least one of the following requirements to be considered highly qualified:

- (1) hold a valid Minnesota teaching license in the field and for the grade level taught;
- (2) be directly supervised by a person holding a valid Minnesota teaching license;
- (3) successfully complete a teacher competency examination;
- (4) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;
- (5) hold a baccalaureate degree;

Minn. Stat. § 120A.22, subd. 10.

When contracting for evaluations or special education services, the district shall contract with personnel who hold appropriate licenses issued by the Board of Teaching or commissioner of education. If either the board or commissioner does not issue a license for a necessary service, the district shall contract with personnel who are members in good standing of professional organizations that regulate the conduct of its members and set standards for that profession.

The school district may provide direct or indirect special education services by district special education staff to a pupil attending a community-based program. A school district may contract for special education services with a community-based program if the program meets Department of Education rules.

Minn. R. 3525.1550

## **Personnel Variances**

**Authority to issue personnel variances.** The Board of Teaching hereby authorizes the issuance of personnel variances which permit a teacher to teach in related subjects or fields for which such teacher is not currently licensed. The designated administrator of a local school district or charter school may request the Board of Teaching to issue a personnel variance which permits a teacher to teach subjects or fields for which that teacher is not currently licensed.

**Criteria for issuance.** A personnel variance authorized by subpart 1 shall be issued to the designated administrator of a school district or charter school if the following conditions are met:

A. the designated administrator of the charter school requests a personnel variance according to this part;

B. the designated administrator of the charter school verifies in writing that:

(1) reasonable efforts have been made to assign existing staff to fill the position with a fully licensed teacher;

(2) no applicant holding a teaching license in a subject or field for which a personnel variance is requested can fulfill the requirements of the position; and

(3) the position has been advertised, and if the position is one-half time or more, the position has been advertised statewide;

C. the teacher for whom the request is made holds a current valid Minnesota entrance, professional, or nonrenewable license granted by the Board of Teaching; and

D. the teacher for whom the request is made is aware of the assignment.

**Exceptions.** No personnel variances shall be granted based on holding a current valid Minnesota temporary limited license unless the temporary limited license was granted based on having met all requirements except part 8710.0500. No personnel variances shall be granted for educational speech/language pathologists, school counselors, school nurses, school psychologists, or school social workers.

**Duration of personnel variance.** An application for a personnel variance will not be submitted prior to July 1 of the school year for which it is requested. A personnel variance is valid for one school year or a portion of a school year from the date of state approval to the following June 30. If the requesting school district or charter school offers summer school, the personnel variance that expires on June 30 is valid for teaching summer school in the year of expiration of the personnel variance.

**Number of personnel variances allowed.** Beginning with personnel variances issued on or after October 16, 2000, no more than three personnel variances shall be granted for any teacher to teach in subjects or fields for which the teacher is not licensed.

**Written conditions for granting or denying personnel variance.** The Board of Teaching shall state in writing to the designated administrator of the school district or charter school the conditions for granting or denying the personnel variance requested pursuant to this part.

Minn. R. 8710.1400.

## Special Education Director

The school board shall employ, either singly or cooperatively, a director of special education to be responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration in the district's total special education system (TSES). The director will not be assigned direct instructional duties.

## Paraprofessionals

“Paraprofessional” means a district employee who is primarily engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or other purposes under the direction of a regular education or special education teacher or related services provider.

Minn. R. 3525.0210, subd.

All paraprofessionals hired after January 8, 2002, and working in a program supported with funds under this part shall have:

- (A) completed at least 2 years of study at an institution of higher education;
- (B) obtained an associate's (or higher) degree; or
- (C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment

For paraprofessionals employed to work in programs for students with disabilities, the school board will ensure that:

- (1) before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works;
- (2) annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and
- (3) each paraprofessional will work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

Sample Evaluations:

**EVALUATION FORM  
Non-Licensed Staff**

Employee \_\_\_\_\_ Job Title \_\_\_\_\_  
 Worksite/Campus \_\_\_\_\_ Supervisor \_\_\_\_\_  
 Evaluation Date \_\_\_\_\_

**WORK SKILLS RATING SCALE**

RATING	COMMENTS
5	Excellent
4	Good
3	Average
2	Needs Improvement
1	Unacceptable

**PERSONAL RESPONSIBILITY**

1. Works scheduled hours \_\_\_\_\_
2. Arrives on time \_\_\_\_\_
3. Calls office if sick or late \_\_\_\_\_
4. Dresses appropriately for the job \_\_\_\_\_

**STUDENT/PARA RESPONSIBILITY**

5. Completes assigned job duties, modifies curriculum if directed, listens carefully and follows directions \_\_\_\_\_
6. Asks questions to verify, appropriate questions, for more information, during agreed upon time for discussions \_\_\_\_\_
7. Works well with students, consistent, firm/in charge \_\_\_\_\_

**SUPERVISOR/PARA RESPONSIBILITY**

- 8. Follows instructions/follows through on behavior management/academic plan \_\_\_\_\_
- 9. Keeps busy, checks with special Ed staff for work, prepares work for student(s) \_\_\_\_\_
- 10. Works well with staff— accepts directions/willingness to learn from others \_\_\_\_\_
- 11. Accepts criticism and makes changes. Works to understand their role in a student's education plan \_\_\_\_\_
- 12. Communication skills are adequate and appropriate for this job \_\_\_\_\_
- 13. Uses a good communication cycle (listen/discuss/act/discuss again (if needed) \_\_\_\_\_

**CLASSROOM TEACHER/PARA RESPONSIBILITY**

- 14. Works well with staff—accepts directions/willingness to learn from others \_\_\_\_\_
- 15. Asks questions to verify, appropriate questions, for more information, during agreed upon time for discussions \_\_\_\_\_
- 16. Good team attitude and approach \_\_\_\_\_

**OVERALL JOB PERFORMANCE**

*This report is an accurate observation of the participant's performance.*

Supervisor Signature \_\_\_\_\_

Date \_\_\_\_\_

This report has been discussed with me.

Participant Signature\_\_\_\_\_

Date\_\_\_\_\_

Recommendation:

\_\_\_\_ Continue employment

\_\_\_\_ Continue employment with improvement plan

\_\_\_\_ Do not continue employment

## Rubrics for Special Education Teachers and Related Service Providers

Component 4G: IEP				
Element	Unsatisfactory	Basic	Proficient	Distinguished
<b>1. Notice of Team Meeting and Procedure Safeguards, Notice of proposed Action or Denial</b>	Files do not have Notice of Team meeting or teacher did not enclose procedure safeguards brochure.	All files have Notice of Team meeting and teacher has sent procedure safeguards brochure or documentation of conversations with parents.	Notices are dated a reasonable period of time before meetings. Notice of Proposed Action sent with IEP, Copy in Student File	Documentation
<b>2. Maintains Documentation that all Timelines have been met including ESY</b>	IEP meeting, IEP written and copy are not provided to parent within 1 year of implementing past IEPs.	IEP meeting, written and provided to parent within 1 year of implementation.	Teacher has system to assure that all students have an active IEP.	Teacher maintains a system and consistently assures that all students have appropriate and active IEPs.
<b>3. IEP Individualized</b>	IEP is not individualized for the specific student. Students IEPs are similar or identical.	IEP is clearly individualized to the student. Present level reflects progress in general education curriculum and/or developmentally appropriate guidelines and all 5 areas for transition.	Present levels of performance are current and are comprehensive. Present level reflects progress in general education curriculum and/or developmentally appropriate guidelines and all 5 areas for transition.	Present levels of performance document student's progress. Present level reflects progress in general education curriculum and/or developmentally appropriate guidelines and all 5 areas for transition.
<b>4. IEP is Current</b>	IEP is completely or substantively identical to the student's past IEPs.	IEP shows progress from year to year based on data.	Present levels of performance statements clearly document student progress an/or interventions attempted to facilitate student success. Information is supported by data.	Present levels of performance document student progress, additional IEP meetings scheduled when student is not making progress.
<b>5. IEP reflects Parent Input</b>	IEP does not contain any parent input.	IEP minimally documents family considerations (strengths and concerns).	IEP contains thorough statements of family considerations (strengths and concerns).	Teacher is proactive in scheduling additional IEP meetings when parent expresses concerns regarding student not making progress.
<b>6. ESY</b>	Not addressed	Box checked on IEP Y or N.	Box checked on IEP Y or N and rationale documented.	Box checked on IEP Y or N and rationale documented including specific measurements and data.

<b>7. Assistive Technology</b>	Not addressed	Box checked on IEP Y or N.	Box checked on IEP Y or N and rationale documented.	Box checked on IEP Y or N and rationale documented including specific measurements and data.
<b>8. Adaptations to Regular Education Curriculum</b>	Adaptations to regular education curriculum are vague.	Adaptations to regular education curriculum are clear and the service providers or team members will know when adaptations may occur. (Noted.)	Needs for adaptations are identified in present levels of performance statements and adaptations are specific. The service providers or team members will know when adaptations will occur (Explanation).	Student's IEP indicates creative strategies and there is evidence the case manager/teacher collaborates with the team to facilitate student success (Data).
<b>9. Goals and Objectives</b>	Goals and objectives are not measurable and/or do not reflect student needs.	Goals and objectives are measurable and can reasonably be met within 1 year. Case manager is aware of responsibility to all goals/objectives of all service providers. All 5 areas of transition are addressed.	Goals and objectives are tightly aligned to student needs and identify specific skills the student needs to develop. Case manager takes steps to assure that all service providers' goals/objectives meet criteria.	Goals and objectives are consistently exemplary in identifying specific skills and are measurable and clearly reflect student needs.
<b>10. Progress Reports</b>	Files do not contain a copy of progress reports to be compiled at every report card. Or Progress reports do not provide relevant information in student progress. Progress reports consistently show no progress.	Progress reports for each goal and objective have been provided at each report card. Progress reports provide information on student progress on each goal and objective. When student is not making progress, teacher schedules an IEP meeting.	Progress reports provide thorough information on student progress and teacher maintains documentation that supports the progress reports. When progress reports indicates no progress, the teacher schedules and IEP meeting.	Teacher uses a creative variety of strategies in collecting data on student progress. Progress reports are clear in documenting student progress on goals and are easily understood by parents. When a student has failed to make progress, the teacher schedules an IEP meeting.
<b>11. Establishing Standards of Learning and Remain Accountable</b>	Teacher fails to monitor student progress and/or fails to intervene.	Teacher assures that the IEP is implemented and that student is making progress in area(s) targeted on the IEP. Teacher assures that other staff is aware of necessary accommodations and modifications in IEP.	Teacher monitors the implementation of the IEP. Teacher modifies the student's environment. Teacher assures that other staff is aware implement accommodations and modifications in IEP.	Teacher monitors the implementation of the student's IEP throughout his/her school day and intervenes quickly and appropriately to assure students success.