

# How to Request a One-to-One Aide for Your Child

by Wayne Steedman, Esq.

When parents request a "one-to-one aide" for their child with a disability, they are often frustrated by the school district's response. Even when the district agrees to their request, the parents may be dissatisfied with the results.

For these reasons, parents need to know what they want for their child, how to get it, and the outcomes they expect.

## What is a One to One Aide?

As an old saying goes, "It is never safe to assume." This warning also applies to assumptions about one-to-one aides.

Does the child need one individual who is assigned to work with the child during the entire day? Can the child be successful if several individuals rotate during the day? If the child's IEP does not specify that one individual will be assigned to work with the child, the result can be unsatisfactory.

You need to clarify the settings in which the child needs the aide. That is, does the child need the aide throughout the entire school day? Does the child need the aide in specific classes or at specific times during the day? It is important that the classroom teacher know about the aide's assignment so teacher does not "pull" the aide away to work with another child or group or children.

Does the child only need an aide for transitions (class changes, etc.). It is unlikely that the school will hire an aide only for transitions. In these cases, the school is likely to rely on existing school personnel to provide this service. However, these personnel are likely to have other duties that will interfere with their ability to provide timely transitions for the child.

If the child needs an aide for transitions, it is important that the child does not miss class time waiting for the aide to arrive. According to the United States Department of Education, allowing a child leave class early or arrive late to the next class, even if this is identified as an accommodation in the child's IEP, is not acceptable.

Because misunderstandings are common, parents and school personnel must have a clear understanding about the child's need for a one to one aide.

## What is the Role of the One-to-One Aide?

Never make assumptions about the role of the one-to-one aide.

Schools assign one-to-one-aides to children for various reasons: behavior management, instructional support, activities of daily living (i.e. toileting, dressing, hygiene, etc.), social skills training, task redirection, discreet trial training, etc. If the child needs the support of a one-to-one-aide to receive a free appropriate public education, the aide should be assigned to the child, no matter what the task.

## What are the Qualifications of the One-to-One Aide?

One of the thorniest issues involves the aide's qualifications. A word of caution - "Be careful what you wish for."

Not surprisingly, parents want an aide who is highly skilled and qualified. Although cost should not be the deciding factor, the reality is that school districts accept significant expenses when they hire an aide.

In [Cedar Rapids Community School District v. Garrett F.](#), the U. S. Supreme Court ruled that a small school district could not refuse to provide a one-to-one nurse to a quadriplegic child because of cost. Notwithstanding [Garrett F.](#), cost is a factor (albeit an unmentioned one). Some schools districts pay the minimum wage during the school year, pay nothing during breaks, and provide no benefits. It is difficult or impossible to find a well-qualified individual to work under these conditions.

In general, hiring decisions do not fall within the purview of the Individuals with Disabilities Education Act (IDEA). Hearing officers and courts are reluctant to consider a challenge to an aide's qualifications unless it is clear that an aide must have specific knowledge and skills for the child to receive a free appropriate public education. (Wrightslaw Note: The No Child Left Behind Act includes new requirements about the education, training and duties of paraprofessionals - learn more about these requirements at the end of this article)

An aide who will implement an applied behavioral analysis (ABA) program to an autistic child requires specific training and ongoing supervision. Similarly, an aide who will provide instructional support needs knowledge and skills in the methodologies employed by the classroom teacher(s).

The parents' success in obtaining a qualified aide will turn on how specifically the IEP defines the child's needs and how specifically the IEP defines the aide's role in addressing these needs.

## How Can Parents Make a Case for a One-to-One Aide?

Remember that the school district is only required to provide the services, program, or placement that the child needs to receive a free appropriate public education (FAPE). [LINK to FAPE page](#)

The IEP is the vehicle by which the school delivers a FAPE. The child's IEP must identify the special education, related services, and supplementary aids and services the child needs to receive a FAPE.

How does the IEP team make the decision to include a one-to-one aide in the child's IEP? In general, this decision is based on the child's needs. The child's needs are identified by an evaluation of the child. An evaluation includes standardized tests or assessments, parent input, classroom observations, teacher input, etc.

## Evaluations

The evaluation is the foundation on which the IEP is developed. If the evaluation is not thorough and comprehensive, it is unlikely that the IEP will meet the child's unique needs. Since the evaluation describes the child's needs, the evaluation also defines the services, program and placement that the child needs.

Because standardized assessments carry such weight, you need to review these assessments carefully. Request clarification if you do not understand any part of the evaluation report. Because you cannot adequately review an assessment during an IEP meeting, you should request the report(s) in advance of the meeting. (The same is true of any draft IEP.)

## Private Evaluations

If you believe the school evaluation is inaccurate or insufficient, you may obtain a private evaluation. The school is required to "consider" any private evaluations you provide. However, "consider" does not mean "accept" or "embrace." However, if the school rejects the recommendations in a privately obtained evaluation, the school must state the reasons. [20 U.S.C. §1415\(c\)](#)

## Classroom Observations

It is impossible to overstate the importance of a classroom observation in the private evaluation. Classroom observations can be performed by the individual who conducts the evaluation or by an educational consultant.

I strongly recommend more than one observation and consultation with the classroom teacher. More observations provide more information and give greater weight to the recommendations that flow from the evaluation.

## Independent Educational Evaluations

Parents may also request an independent educational evaluation (IEE) at the school district's expense. If you request an independent educational evaluation, the school district must agree to your request or request a Due Process Hearing to defend the accuracy of their assessment(s).

## In Summation

In general, the decision about whether the school will provide your child with a one-to-one aide will be determined by an evaluation of your child. This evaluation may be conducted by school district personnel or by an evaluator in the private sector. Be sure the evaluation provides a complete description of the child's unique educational needs and makes it clear that the child requires an aide to receive a free appropriate public education.

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## Related Information: Related Services, FAPE, NCLB Requirements for Paraprofessionals

### Related Services

**Related services** is the term for those services a disabled child needs in order to benefit from special education. Related services include speech therapy, occupational therapy, physical therapy, and rehabilitation counseling. (*Wrightslaw: Special Education Law*, page 29) Compare this term to "supplementary aids and services" (*Wrightslaw: Special Education Law*, pages 30-31).

**FAQs: Related Services.** What are related services? Who is eligible? How do you know what related services a child needs? Do parents have to pay for related services? Who provides related services? How are these services delivered and coordinated? Funded?

**Garret F: Congress Intended to Open Door to All Qualified Children**. This U. S. Supreme Court decision clarifies that schools must provide related services when necessary for children to attend school.

Learn more about [related services](#).

### Free Appropriate Public Education (FAPE)

**IDEA Requirements: Least Restrictive Environment (LRE) & FAPE**. IDEA includes two fundamental requirements: that the child receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). What does least restrictive environment mean? What about inclusion?

Learn more [about FAPE](#).

### No Child Left Behind & Paraprofessionals

In **Wrightslaw: No Child Left Behind**, you learn about new requirements about the education, training and duties of paraprofessionals. "NCLB requires that you work 'under the direct supervision of a teacher' and 'in close and frequent proximity to the teacher.' Your supervising teacher will prepare lessons, plan instructional support services for the paraprofessionals you to carry out, and evaluate student achievement. (Chapter 6, ***No Child Left Behind for Teachers, Principals and Paraprofessionals***)

New paraprofessionals who work in Title I programs must complete two years of college or pass a rigorous skills test. Currently employed paraprofessionals must meet these requirements by 2006.

Paraprofessionals may not provide instruction, except under the direct supervision of a teacher. 20 U. S. C. § 6319) (page 26, [Wrightslaw: No Child Left Behind](#))

Learn about [No Child Left Behind](#)

Learn about [Wrightslaw: No Child Left Behind](#)

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## About the Author

Wayne Steedman is a partner in the law firm of [Callegary & Steedman, P.A.](#) His practice is devoted primarily to the representation of children with disabilities. He has represented his clients in administrative due process hearings and state and federal courts.

After the U. S. Supreme Court decision in [Florence County v. Shannon Carter](#), Mr. Steedman represented Alex Gerstmyer in a tuition reimbursement case for a non-special ed school. Read about this case in [Parents of Dyslexic Child Reimbursed for Tuition at Montessori School](#).

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