

The Advocacy Ridge

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PRESENTS








Paraprofessionals in the IEP

When a Para Is Needed, How to Request One, What to Do When the District Says No, and the Fade Plan

IDEA Legal Standards | Data-Driven Requests | Denial Response | Fade Plan Framework

HOW TO USE THIS GUIDE

Color-coded boxes tell you what is the same everywhere and what varies by state:

-  FEDERAL LAW — same in all 50 states
-  STATE VARIATIONS — laws differ; check your state
-  STRONGER STATE PROTECTIONS — some states give you more
-  ADVOCACY TIP — practical advice for parents
-  WATCH OUT — common pitfalls and risks
-  IMPORTANT NOTE — context and clarifications
-  STRATEGY — tactical guidance for due process

IMPORTANT NOTE

A paraprofessional — often called a para, aide, instructional assistant, or 1:1 — is one of the most requested and most contested supports in special education. Districts resist them because they cost money and require commitment. Parents fight for them because their children are unsafe, unable to access instruction, or falling apart without support.

This guide tells you exactly when IDEA requires the IEP team to consider a para, what data you need to make the case, how to request one in writing, what to do when the district says no, and — critically — what a legally sound Fade Plan looks like and why any fade must go through the team before a single step is removed.

A para is not a prize for a struggling child. It is a supplementary aid and service under IDEA — a legal tool the IEP team must consider when it is necessary for a child to access their education in the least restrictive environment.

1. What Is a Paraprofessional Under IDEA?

A paraprofessional is a trained school employee who provides support to a student with a disability under the direction of a licensed special education teacher or other qualified professional. Under IDEA, a para is classified as a supplementary aid and service — one of the tools the IEP team must consider to enable a child with a disability to be educated alongside non-disabled peers.

IMPORTANT NOTE

The title matters less than the support itself. Some districts use terms such as paraprofessional, aide, instructional assistant, adult support, supervision support, behavioral support, communication support, or implementation support. The question is not what the position is called. The question is whether the student requires additional adult support beyond what is reasonably available through existing staffing in order to receive FAPE.

Paraprofessional support exists on a continuum. Support may be provided as full-time 1:1 support, shared support across multiple students, support during specific classes or activities, support during transitions, lunch/recess support, behavioral support, academic support, or other individualized arrangements. The question is not whether a student needs a "1:1 aide." The question is what level of paraprofessional support is necessary for FAPE and LRE.

A paraprofessional is generally a supplementary aid and service, not specially designed instruction. A para should support implementation of instruction, accommodations, behavior supports, communication systems, safety plans, and access to education. A para is not a substitute for special education services, related services, appropriately trained staff, or specialized instruction from qualified professionals.

While this guide focuses primarily on IDEA and IEPs, additional adult support may also be provided under Section 504 when necessary to ensure a student with a disability has equal access to educational programs, services, activities, and opportunities. The legal analysis differs somewhat under Section 504 and the ADA, but schools are not limited to providing paraprofessional support only through an IEP.

Students who do not require specially designed instruction but who need adult support for health, safety, communication, behavior, mobility, self-care, access, or other disability-related needs may be entitled to such support through a Section 504 Plan.

FEDERAL FRAMEWORK — Applies in ALL 50 States

IDEA (20 U.S.C. § 1412(a)(5); 34 C.F.R. § 300.114): The LRE requirement mandates that children with disabilities be educated with non-disabled peers to the maximum extent appropriate, and that removal from regular classes occurs only when education cannot be achieved satisfactorily even WITH the use of supplementary aids and services. A para is one of those supplementary aids and services.

34 C.F.R. § 300.320(a)(4): The IEP must include a statement of the supplementary aids and services to be provided to the child. Paraprofessional support, when determined necessary, must be written into the IEP with specificity — frequency, duration, type of support, and fading criteria.

34 C.F.R. § 300.156(b)(1): IDEA requires that paraprofessionals who assist in the delivery of special education and related services be appropriately trained and supervised. A para must work under the direction of a qualified professional — they are not a replacement for a teacher.

IDEA does not use the word 'paraprofessional' in one place — it refers to 'supplementary aids and services' and 'support for school personnel.' The IEP team has broad authority to determine what supports a child needs, and that includes 1:1 human support.

34 C.F.R. § 300.320(a)(4)(ii): Supplementary aids and services include supports provided to the child AND supports provided to school personnel on behalf of the child. A para provided to support a child is a service written directly into the IEP.

STATE VARIATIONS — Laws Differ by State

California Ed. Code § 56345(a)(4): California specifically requires that the IEP include the specific educational services to be provided, including any program modifications or supports for school personnel. Paraprofessional support is explicitly within this category.

California Ed. Code § 56001(a): California affirms that the IEP team determines the appropriate level of support, and that the determination must be individualized to the student's unique needs.

Oregon OAR 581-015-2080; Washington WAC 392-172A-02080: Both states require documentation of why supplementary aids and services were or were not sufficient in the LRE analysis. If a para is proposed or denied, the reasoning must be documented.

Most states: Paraprofessional requirements, qualifications, and supervision ratios are set by state education agencies. Check your state's special education regulations for specific paraprofessional qualification and supervision standards.

IMPORTANT NOTE

Where Adult Support May Be Documented - Additional adult support may appear in different sections of an IEP, including:

- Supplementary aids and services
- Accommodations
- Behavior Intervention Plans
- Transportation supports
- Communication supports
- Health or nursing plans
- Service grids
- Support for school personnel

Parents should review the entire IEP to ensure needed support is clearly documented regardless of where it appears.

The IEP Should Describe the Support Needed

The IEP team's job is to identify the support the student requires in order to receive FAPE and access education. The focus should be on the student's needs, not on staffing titles or district staffing models.

The IEP should clearly describe:

- what support is needed
- why it is needed
- when it is needed
- during what tasks, activities, classes, settings, or times of day
- the frequency and intensity of support
- whether support is individual, shared, intermittent, or continuous
- what the support looks like in practice

Examples may include:

- ✓ adult within arm's reach during transitions due to elopement concerns
- ✓ direct supervision during lunch and recess
- ✓ hand-over-hand assistance for task initiation or completion
- ✓ verbal and visual prompting during independent work
- ✓ adult facilitation of peer interactions and social problem-solving
- ✓ implementation support for AAC use throughout the school day
- ✓ adult support for behavior regulation, safety plans, or medical needs
- ✓ additional adult support during specific classes, activities, or unstructured times

The level of support should also be clearly identified when appropriate. For example:

- support provided through existing classroom staff
- additional adult support beyond typical classroom staffing
- shared paraprofessional support
- individual/1:1 paraprofessional support

Once the student's needs and required level of support are identified, it becomes the district's responsibility to determine how to appropriately staff and implement those supports.

For example, some supports may be reasonably provided by existing classroom staff. Other supports may require additional adult support, shared paraprofessional support, or individual 1:1 support. The staffing solution should follow the student's needs—not the other way around.

IMPORTANT NOTE

The IEP team's responsibility is to determine what support the student requires in order to receive FAPE and access education. That determination should be based on evaluation data, present levels, functional needs, educational impact, accommodations, services, goals, behavioral needs, communication needs, health needs, safety needs, and other individualized factors.

The district may determine how to staff and implement those supports, but district staffing shortages, administrative preferences, budget considerations, or general district practices do not determine what support a student needs.

The student's needs drive the support. The support drives the staffing—not the other way around.

If a student requires support beyond what can reasonably be provided through existing classroom staffing, the IEP team should identify that need and ensure the IEP clearly documents the support required for FAPE.

Sample IEP Language

Too vague

- Adult support as needed
- Staff assistance
- Adult prompting
- Redirection when necessary
- Access to adult support

These descriptions often create implementation disputes because they do not clearly define what support is required, when it is required, or who is responsible for providing it.

More specific

- Student requires verbal and visual prompting during independent work tasks in all academic classes due to executive functioning deficits affecting task initiation and sustained attention.
- Student requires direct adult supervision during transitions between locations due to elopement and safety concerns.
- Student requires adult support within arm's reach during community-based instruction and arrival/dismissal due to safety concerns.
- Student requires hand-over-hand assistance for completion of fine motor tasks when unable to initiate or complete the task independently.
- Student requires adult facilitation during peer interactions and structured social activities to support communication and social problem-solving.
- Student requires implementation support for use of AAC throughout the school day, including prompting, modeling, and assistance accessing the device.
- Student requires additional adult support during lunch, recess, and other unstructured settings to implement behavioral, social, and safety supports identified in the IEP.

- Student requires shared paraprofessional support during academic instruction, transitions, and unstructured times to implement accommodations, behavioral supports, and communication supports identified in the IEP.
- Student requires individual 1:1 paraprofessional support throughout the school day to implement safety, communication, behavioral, and adaptive supports identified in the IEP.

Important Note

The level of support should be driven by the student's documented needs and data. Some students may require support only during specific activities, subjects, transitions, or unstructured times. Others may require shared support across multiple settings or individual 1:1 support throughout significant portions of the day.

The IEP should be written clearly enough that any staff member reading it understands:

- ✓ what support is required
- ✓ when it is required
- ✓ who is responsible for providing it
- ✓ what the support looks like in practice
- ✓ the level of support necessary for FAPE

2. When Does a Child Need a Para?

There is no single trigger that automatically requires a para. The IEP team must make an individualized determination based on data. But there are clear indicators that signal the team must at minimum seriously consider and document why paraprofessional support is or is not appropriate.

Safety Indicators

- The student engages in behaviors that create an immediate risk of injury to themselves or others — elopement, self-injury, aggression toward peers or staff, unsafe behaviors in hallways, bathrooms, or transitions.
- The student requires physical management, restraint prevention, or crisis de-escalation that cannot be provided by classroom staff alone.
- The student has a medical condition requiring monitoring — seizures, allergic reactions, blood sugar management, tracheostomy care — that a teacher cannot safely manage while also instructing a class.
- The student cannot safely transition between environments, board buses, or navigate shared spaces without direct supervision.

Access Indicators

- The student is unable to access academic instruction without direct, individualized prompting, redirection, or support beyond what a classroom teacher can provide to a class.
- The student has significant executive function deficits — initiation, task persistence, organization — that result in complete non-engagement with instruction without direct adult support.
- The student requires individualized communication support (AAC device, sign language interpretation, prompting to use a communication system) that a teacher cannot simultaneously provide while teaching.
- The student's behavior in the classroom is so frequent or intense that it significantly disrupts instruction for the student and peers, and cannot be managed without direct support.

LRE/Inclusion Indicators

- The district is proposing a more restrictive placement — a self-contained classroom, a special day class, a separate school — as the alternative to a para. In this case, the LRE analysis requires the team to consider whether a para in the less restrictive setting would be sufficient before moving to a more restrictive placement. 34 C.F.R. § 300.116.
- The student is currently in a more restrictive placement. A para in a less restrictive setting may be the path back toward inclusion.
- IDEA requires individualized consideration of supplementary aids and services. In some situations, less intensive supports may be sufficient. In others, a para may be necessary. The team should consider a continuum of supports and document why proposed alternatives are or are not sufficient. The analysis should focus on whether the proposed supports are sufficient to meet the student's needs, not whether the district prefers a particular staffing model or currently has personnel available.

IMPORTANT NOTE

Additional adult support does not automatically make a placement more restrictive. This principle applies regardless of whether support is provided through an IEP or a Section 504 Plan.

A student may remain fully included in general education, advanced coursework, gifted programming, extracurricular activities, and other less restrictive settings while receiving paraprofessional support when necessary for FAPE.

In some situations, paraprofessional support is what allows a student to remain in or return to a less restrictive environment.

ADVOCACY TIP

A para is not just for students with severe disabilities. Students with ADHD, anxiety, autism (without intellectual disability), processing disorders, and learning disabilities may all have legitimate para needs based on their specific functional profile.

A school saying 'we don't do 1:1 aides for students like yours' is not a legal standard. The standard is individualized determination based on the student's unique needs. 34 C.F.R. § 300.306(a).

If the district claims the student does not need a para because they are 'doing fine' — ask for the data. Doing fine with current unsustainable staff coverage is not the same as not needing a para. Ask what happens when the support is removed.

A student earning passing grades may still require paraprofessional support. The analysis includes safety, communication, behavior, executive functioning, social participation, independence, transitions, and access to education—not academics alone.

3. The Data You Need to Request a Para

A request for a para without data is easy for the district to dismiss. A request backed by specific, documented data in multiple categories is much harder to deny and creates a record if you need to escalate.

STEP 1 — Document the behavior or need specifically

Keep a log — dates, times, specific behaviors, frequency, duration, intensity, antecedents, consequences. If the need is safety-related: every incident, every injury, every near-miss, every staff intervention. If the need is access-related: how many minutes per day/period the student is off-task, unable to engage, or requiring redirection. This is YOUR data as a parent — supplement it with school data.

STEP 2 — Request school data formally in writing

Write to the special education director: 'I am requesting copies of all behavior data, incident reports, ABC data, FBA documentation, teacher observation notes, progress monitoring data, and any other data documenting my child's behavior and academic engagement during the school day, for the period [date range]. I am requesting this within 5 business days.' CA Ed. Code § 56043(n); 34 C.F.R. § 300.613.

STEP 3 — Gather the IEP goal progress data

If your child is not making adequate progress toward IEP goals: the data showing that lack of progress is directly relevant to whether current supports are sufficient. Request all progress monitoring data for every active goal.

STEP 4 — Get documentation from outside providers

Request written statements from any private therapists, physicians, neuropsychologists, or behavioral specialists who have direct knowledge of your child's needs. A letter from a private BCBA or developmental pediatrician documenting the level of support the child requires carries significant weight with an IEP team.

STEP 5 — Request a Functional Behavioral Assessment if behavior is the issue

An FBA is required before a BIP is implemented and when behavior impedes the student's learning or the learning of others. 34 C.F.R. § 300.324(a)(2)(i). The FBA should reveal the function of the behavior and support the case for what level of support is needed. Request it in writing: 'I am requesting that the district conduct a Functional Behavioral Assessment to determine the function of [specific behaviors] and what supports — including paraprofessional support — are necessary to address them.'

ADVOCACY TIP

If the district claims there is insufficient data to determine whether additional adult support is necessary, parents may request evaluation or reevaluation in relevant areas, including behavior, adaptive functioning, executive functioning, communication, autism, sensory needs, social-emotional functioning, safety needs, or other suspected areas affecting the student's access to education.

Evaluation data may help identify the specific supports, supervision, prompting, facilitation, communication assistance, behavioral intervention, or safety measures necessary for FAPE.

IMPORTANT NOTE

The request should focus on the student's needs and the support required, not solely on the title of the position. In some situations, the appropriate support may be a shared paraprofessional, targeted adult support during specific activities, behavioral support, communication support, supervision support, or another staffing arrangement. The IEP team must determine what support is necessary based on the student's individual needs.

4. How to Request a Para — The Written Request

A verbal request at an IEP meeting is not enough. You need a written request that creates a legal obligation to respond with Prior Written Notice.

IMPORTANT NOTE

SAMPLE WRITTEN REQUEST FOR PARAPROFESSIONAL SUPPORT

Date: [Date] | To: [Special Education Director] | Re: Request for Paraprofessional Support — [Child's Name]

I am writing to formally request that the IEP team consider and document the provision of paraprofessional support (1:1 aide) as a supplementary aid and service in my child's IEP, pursuant to IDEA 34 C.F.R. § 300.320(a)(4) and 34 C.F.R. § 300.114.

The basis for this request includes: [specifically describe — safety incidents, behavior frequency, inability to access instruction, lack of progress on IEP goals, data from outside evaluators]. I am attaching the following documentation to support this request: [list all attached documents].


I am requesting that the IEP team meet to discuss this request and that the team's determination — whether to provide or deny paraprofessional support — be documented in a Prior Written Notice that includes: (1) the action proposed or refused; (2) the specific reasons for the decision; (3) the data relied upon; and (4) the options the team considered and why each was rejected. 34 C.F.R. § 300.503; [state law citation].

If the team determines that paraprofessional support is not appropriate, I am requesting documentation of what supplementary aids and services the team determined ARE appropriate to meet my child's needs in the least restrictive environment.

Sincerely, [Your Name]

ADVOCACY TIP

Documentation examples:

 "My child needs constant support."

 "My child required 27 staff redirections during a 30-minute homework period, attempted to leave the area 3 times, and was unable to initiate work without direct adult prompting."


Specific data is generally more persuasive than conclusions.

5. When the District Says No — Your Response

A district denial of a para request is not the end. It is the beginning of a documentation and escalation strategy.

Step 1: Demand Prior Written Notice

If the team verbally declines your request at an IEP meeting without providing PWN: send a written demand the same day. Under IDEA, every refusal to initiate or change a special education service requires Prior Written Notice with all seven required elements. 34 C.F.R. § 300.503. A verbal no at a meeting is not legally sufficient.

 IMPORTANT NOTE
SAMPLE DEMAND FOR PWN AFTER DENIAL
Date: [Date] To: [Special Education Director]
At the IEP meeting held on [date], the team declined my request for paraprofessional support for [child's name]. No Prior Written Notice has been provided documenting this refusal.
Under IDEA 34 C.F.R. § 300.503 and [state law citation], the district is required to provide Prior Written Notice any time it refuses to initiate or change a supplementary aid or service. That notice must include: (1) a description of the action refused; (2) an explanation of why; (3) the specific data relied upon; (4) other options the team considered and why each was rejected; (5) sources for parent assistance.
I am requesting that Prior Written Notice be provided within 5 school days. If the district declines to provide PWN, I will file a state complaint for failure to provide required notice.
Sincerely, [Your Name]

Step 2: Analyze the PWN — Find the Holes

When you receive the PWN, read it as a legal document, not a letter. Look for every weakness:

- Does the PWN identify specific data the team relied on? If it cites vague conclusions ('student is progressing adequately') without specific data: that is legally deficient. Respond in writing identifying each missing data source.
- Does the PWN document what alternatives the team considered and specifically why each was rejected? If the alternatives section says 'team considered other options' without naming them: demand specifics.
- Does the PWN's data contradict your data? If your incident log shows 14 safety events in 3 weeks and the PWN says 'student is safe with current supports': the discrepancy is your best argument.
- Does the PWN explain how the student can access the general curriculum without a para? If not — that is an LRE analysis failure.

Step 3: File a State Complaint for Procedural Violations

If the district: (a) failed to provide PWN; (b) provided a deficient PWN missing required elements; (c) failed to conduct an FBA before denying; or (d) failed to consider the paraprofessional request as part of an LRE analysis — those are clean state complaint violations.

ADVOCACY TIP

State complaint: File with your State Education Agency (SEA). The SEA must investigate and issue a written decision within 60 calendar days. A state complaint can order corrective action, require an IEP meeting, and mandate compensatory education. 34 C.F.R. § 300.152.

Due process: If the denial of a para results in a denial of FAPE — meaning your child cannot access their education or is unsafe without appropriate support — you may file a due process complaint. This is appropriate when the denial is substantive, not just procedural.

OSEP has consistently held that a student who requires a para to access the general curriculum and be educated in the LRE must be provided one. The district's financial constraints are not a legal basis for denial. Letter to Anonymous, OSEP (2012).

The District's Common Arguments — and How to Respond

District Says...	Your Response
District says it does not provide 1:1 aides for students at this level.	IDEA requires individualized determinations based on the student's unique needs. A categorical policy against 1:1 support violates 34 C.F.R. § 300.320. I am requesting a PWN that documents why this specific student does not need this support.
District says a para will create dependency and harm independence.	Dependency is managed through a Fade Plan — a systematic, data-driven plan to reduce support as independence develops. Withholding necessary support is not independence training. It is a denial of access. Please provide a Fade Plan proposal if dependency is the concern.
District says student is making adequate progress without a para.	Please provide the specific progress data the team is relying on. Adequate progress based on subjective observations rather than measurement data is not a sufficient basis for denying a supplementary aid and service. I am also requesting data on how many staff redirections and interventions are currently occurring daily.
District says classroom modifications are sufficient.	I am requesting that the team identify the specific modifications proposed, how they have been trialed, and what data exists on their effectiveness. If modifications have not yet been trialed, I am requesting they be documented in the IEP with specific timelines and data collection protocols.
District cites budget constraints.	Under IDEA, a district's financial constraints are not a basis for denying a required supplementary aid or service. Board of Education v. Rowley; Cedar Rapids Community School Dist. v.

District Says...	Your Response
	Garret F. The district must provide what FAPE requires, regardless of cost.
District says the general education teacher can handle the student's needs.	Please document the specific strategies the general education teacher is using, the frequency of individual interventions per class period, and the impact on instruction for other students. If the teacher is providing what amounts to 1:1 support, that is not a sustainable or appropriate solution.

6. What Is a Fade Plan?

A Fade Plan is a structured, data-driven protocol for systematically reducing paraprofessional support over time as the student demonstrates increased independence, skill acquisition, and the ability to access the learning environment without that level of direct support.

FEDERAL FRAMEWORK — Applies in ALL 50 States

IDEA does not use the term Fade Plan explicitly, but it is embedded in IDEA's framework in two places: (1) 34 C.F.R. § 300.320(a)(4) requires that supplementary aids and services be specified in the IEP — which includes how, when, and under what conditions they will be modified; and (2) the LRE requirement at 34 C.F.R. § 300.114 presupposes that the most restrictive supports are temporary and that the goal is maximum integration with appropriate supports.

A Fade Plan is NOT a reason to deny a para. It is a condition of providing one thoughtfully. If the district uses the absence of a Fade Plan as a reason to deny a para, that argument is backwards — the proper response is to develop the Fade Plan, not to deny the support.

The Fade Plan must be an IEP team decision. No one person — not the teacher, not the principal, not even the BCBA — can unilaterally reduce or eliminate paraprofessional support outside of the IEP team process. Any change to supplementary aids and services requires either IEP team agreement or parental consent. 34 C.F.R. § 300.503; 34 C.F.R. § 300.300.

7. Why a Fade Plan Matters — The Dependency Problem Done Right

The district's concern about para dependency is legitimate — when addressed correctly. An over-reliant para relationship can actually reduce a student's independence, interfere with peer relationships, and create learned helplessness. The answer is not to deny support. The answer is a well-designed Fade Plan.

WATCH OUT

A para who does FOR a student instead of supporting the student to do for themselves is creating dependency, not access. The role of a well-deployed para is to use the least-intrusive prompt, at the right time, to support the student's own action — not to complete tasks on the student's behalf.

A Fade Plan without data is not a Fade Plan. It is a schedule for taking away support on a calendar timeline regardless of whether the student is ready. A real Fade Plan fades based on the student's demonstrated performance data — not the district's staffing preferences.

If a district says 'we'll fade the para at the end of the year': demand the specific criteria that will be met before fading begins, the data collection method, and the IEP team review process. A date alone is not a plan.

A paraprofessional should not become the student's primary teacher, therapist, behavior analyst, or decision-maker. The student's certified teachers and service providers remain responsible for instruction, progress monitoring, and IEP implementation.

8. What a Fade Plan Should Look Like

A legally sound, educationally appropriate Fade Plan has six components. All six must be in the IEP or attached to it as a written document.

STEP 1 — Baseline Documentation

Before fading begins, the IEP team documents the current level of support and the student's current performance with that support. This is the baseline: how many prompts per task, what type of prompts (physical, gestural, verbal, indirect), percent independent trials, and specific skills that are stable. The fade starts from here.

STEP 2 — Target Skills and Independence Criteria

The Fade Plan identifies the specific skills the student must demonstrate independently before any fading step occurs. Example: 'Student will initiate task transitions independently in 4 out of 5 observed opportunities across three consecutive school days before the para moves from constant proximity to intermittent check-in.' These criteria are measurable, not subjective.

STEP 3 — Prompt Hierarchy and Fading Steps

The Plan documents the specific sequence of support reduction — from most intrusive to least intrusive. A typical hierarchy: physical prompt → gestural prompt → verbal prompt → indirect verbal cue → visual support only → peer-mediated support → check-in only → self-management. Each step is defined in observable terms. The student must meet criteria at each level before moving to the next.

STEP 4 — Data Collection Protocol

Who collects data, what tool is used, how often, and where. The Fade Plan specifies the data collection method (e.g., trial-by-trial data on a daily data sheet, permanent product data, momentary time sampling). Data must be collected by someone other than the para whenever possible to avoid observer bias. The special education teacher reviews data before each fading decision.

STEP 5 — IEP Team Review Points

The Fade Plan identifies when and how the IEP team reviews fading progress. This is not a teacher-only decision. Example: 'The IEP team will review fading data at the 30-day mark and at each subsequent IEP meeting. Any change in support level — increase or decrease — will be reviewed by the full IEP team with parent notification. Parent will receive fading data summaries every [frequency].' Parent is a member of that team. 34 C.F.R. § 300.321.

STEP 6 — Regression and Reinstatement Protocol

The Fade Plan specifies what happens if the student regresses after a fading step. Example: 'If the student fails to meet criteria at any fading level for [X] consecutive observation periods, or shows a significant increase in target behaviors, the team will immediately step back to the prior support level and convene an IEP team meeting within 10 school days to review and revise the Fade Plan.' Regression is not failure — it is data that tells the team the pace was too fast.

9. The Fade Plan as a Team Process — Before Every Step

This is the most important section in this guide. The district cannot fade a para on its own timeline, based on staff convenience, or because the school year is ending. Every step of a Fade Plan is a team decision.

FEDERAL FRAMEWORK — Applies in ALL 50 States

34 C.F.R. § 300.503: Any proposal to change — including reduce — a supplementary aid or service requires Prior Written Notice to the parents. Fading a para IS a change in supplementary aids and services. It triggers the PWN requirement.

34 C.F.R. § 300.300: Parents should be provided Prior Written Notice and meaningful participation in any proposed reduction of paraprofessional support. State law and district procedures may affect whether additional consent requirements apply.

The IEP team includes the parent. 34 C.F.R. § 300.321(a)(1). A fading decision made by school staff alone — without convening the IEP team — violates IDEA's parental participation requirement.

If a Fade Plan was agreed to at the IEP meeting and fading criteria have not been met: the district cannot proceed with the next fading step without an IEP team meeting reviewing the data. The agreed-upon criteria are the benchmark — not the district's preference.

Before Any Fading Step, the IEP Team Should Confirm:	Legal Basis
The student has met the pre-established independence criteria at the current level	Fade Plan criteria in IEP; 34 C.F.R. § 300.320(a)(4)
Data from the current fading level has been reviewed by the full team including parent	34 C.F.R. § 300.321; parental participation requirement
The next fading step has been agreed to in writing by the team, including parent	34 C.F.R. § 300.503; 34 C.F.R. § 300.300
A regression protocol is in place in case the next step is too large	Best practice; IEP specificity requirement 34 C.F.R. § 300.320
Peer support structures, visual supports, or environmental modifications are in place to support independence at the next level	LRE requirement 34 C.F.R. § 300.114
Parent has received PWN of the proposed change in support level before it is implemented	34 C.F.R. § 300.503
A date has been set for the next team review of fading data	Periodic review requirement; 34 C.F.R. § 300.324(b)

WATCH OUT

If the district fades the para without an IEP team meeting: demand an IEP meeting immediately. State in writing that the change in support level was implemented without team review and without PWN, constituting a procedural IDEA violation, and that you are requesting the prior level of support be reinstated pending team review.

If the district says the Fade Plan does not require team review for each step: cite 34 C.F.R. § 300.503 directly. Any change in supplementary aids and services requires PWN. If the team agreed to specific criteria and those criteria have not been met, the district cannot implement the next step without team agreement.

Never agree to a Fade Plan that does not include a written regression protocol and a parent notification requirement. Without these, the plan has no accountability mechanism.

10. Sample Fade Plan Language for the IEP

IMPORTANT NOTE

SAMPLE FADE PLAN IEP LANGUAGE — Adapt for your child's specific situation:

Paraprofessional Support Level: [Student name] will receive [describe current support — e.g., 'constant proximity 1:1 paraprofessional support during all academic periods and unstructured times'] as a supplementary aid and service.

Fading Criteria: Support will begin to fade when the student demonstrates [specific measurable criteria] in [specific contexts] across [number] consecutive [observation periods/school days], as documented by [data collection method].

Fading Steps: Step 1 — [describe reduced support, e.g., 'para moves from constant proximity to 5-foot proximity, checking in every 10 minutes']. Criteria for Step 1 completion: [specific]. Step 2 — [describe further reduction]. Criteria: [specific]. [Continue for each step.]

Data Collection: Data will be collected [frequency] by [who — not the para when possible] using [specific tool]. Data summaries will be provided to parents [frequency].

IEP Team Review: The full IEP team, including the parent, will review fading data before any transition to the next fading step. No fading step will be implemented without team agreement and PWN to the parent.

Regression Protocol: If the student fails to meet criteria at any fading level across [X] consecutive data collection periods, OR if a significant increase in target behaviors occurs, the team will immediately return to the prior support level and convene an IEP team meeting within 10 school days.

11. Advocacy Tips and Resources

ADVOCACY TIP

Put every para request in writing — at the meeting, in a follow-up email, and in a formal letter. A verbal request that goes unaddressed has no legal footprint.

Demand data before and after a denial. The absence of behavioral data or progress data in the PWN is itself evidence the team did not conduct an adequate individualized analysis.

If the IEP includes paraprofessional support, document implementation concerns immediately. If support is routinely unavailable due to staffing shortages, absences, schedule changes, or reassignment of personnel, request data, request an IEP meeting, and document the impact on the student's access to FAPE.

BCBA involvement is powerful. If your child has an active BIP, the BCBA of record should be consulted on whether a para is necessary for safe implementation. A BCBA recommendation in favor of a para is hard for the district to dismiss.

Safety data is your strongest argument. Incident reports, injury documentation, and staff intervention logs that document frequency and severity of safety concerns are difficult to rebut.

OSEP Guidance Letters on paraprofessionals and supplementary aids and services are available at sites.ed.gov/idea — search 'paraprofessional' in the OSEP policy letters database.

Disability Rights and P&A organizations in every state provide free legal consultation on para denials. Find yours at ndrn.org.

Wrightslaw on paraprofessionals: wrightslaw.com/info/para.index.htm — comprehensive legal reference.

Need Advocacy Support?

The Advocacy Ridge is brought to you by experienced non-attorney special education advocates who work with families across multiple states.

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This guide is intended as general educational information and does not constitute legal advice. Special education law is complex, fact-specific, and varies significantly by state. If you have a specific legal concern, consult a qualified special education advocate or attorney licensed in your state. Federal law cited: IDEA (20 U.S.C. § 1400 et seq.) and 34 C.F.R. Part 300. State laws cited: California Education Code § 56000 et seq.; Oregon Administrative Rules Chapter 581-015; Colorado 1 CCR 301-8; Washington Administrative Code Chapter 392-172A; Texas Education Code Chapter 29 and 19 TAC § 89; New Jersey Administrative Code 6A:14; Massachusetts 603 CMR 28.00; New York 8 NYCRR Part 200. Laws are subject to change — verify current versions with your state's education agency.

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