

CHAPTER 67-11-23
CERTIFICATES OF COMPLETION FOR SPECIAL EDUCATION TECHNICIANS

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67-11-23-01. Definitions.

For the purposes of this chapter:

1. "Special education technician" means an individual providing services as a technician who meets the requirements of this chapter and provides services authorized in this chapter in an educational setting.
2. "Supervising special education teacher" means an individual who:
 - a. Holds a current educator's professional license issued by the education standards and practices board; and
 - b. Has a minimum of two years experience providing special education services since receiving the individual's license.

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16

67-11-23-02. Certificate of completion required.

Individuals providing special education technician services in educational settings must hold the certificate of completion for special education or hold a current educator's professional license for special education issued by the education standards and practices board.

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16

67-11-23-03. Issuing agency.

The certificate of completion for the special education technician is issued by the:

Superintendent of Public Instruction
Department of Public Instruction
600 East Boulevard Avenue, Department 201
Bismarck, ND 58505-0440

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16

67-11-23-04. Certificate of completion standards.

To obtain a certificate of completion as a special education technician, an individual must submit a completed application form and have completed:

1. Forty semester hours of college education or an equivalent under North Dakota Century Code section 15.1-13-10 in the area of special education that aligns with the council for exceptional children preparation standards for paraeducators, including learner development and individual differences, legal/ethical practices, behavior management, curricular content knowledge, assessment, instructional planning and strategies, and collaboration; and
2. A two-credit transcribable practicum minimum of one hundred clock-hours of fieldwork experience that is supervised by a licensed special education teacher.

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16

67-11-23-05. Special education technician services.

1. A special education technician may:
 - a. Conduct academic and behavioral screenings following specified screening protocols developed by the supervising special education teacher;
 - b. Perform documented tasks developed by the supervising special education teacher;
 - c. Document student progress toward meeting goals and objectives and report this information to the supervising special education teacher;
 - d. Assist the supervising special education teacher with regulatory paperwork as directed;
 - e. Participate in multidisciplinary team meetings with a special education teacher or a special education provider;
 - f. Prepare materials, assist with scheduling, and maintain space or equipment; and
 - g. Complete other duties as assigned by the supervising special education teacher in consultation with the local administrator.
2. A special education technician may not:
 - a. Make independent decisions regarding changes to a student's individualized education program;
 - b. Conduct and interpret evaluations consisting of:
 - (1) Standardized or nonstandardized diagnostic tests; or
 - (2) Formal assessments unless otherwise qualified to do so; or
 - c. Disclose confidential information orally or in writing unless authorized by the supervising special education teacher.

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16; 20 U.S.C. 1412(a)(14); 34 CFR 200.58

67-11-23-06. Reconsideration.

If an application for a special education technician certificate of completion is denied, the applicant must be notified of the opportunity for reconsideration. Upon receipt of a written denial, the applicant may request a reconsideration of the denial. A request for reconsideration must be in writing and must be received by the superintendent of public instruction within twenty-one days of the date the denial was mailed to the applicant by the superintendent of public instruction. Untimely requests may not be considered. The request for reconsideration must discuss:

1. The fact, law, or rule the applicant believes was interpreted or applied erroneously ; and
2. The applicant's arguments on how the fact, law, or rule should have been applied, giving specific reasons and a thorough analysis.

The superintendent of public instruction shall issue a final written response on the reconsideration request within twenty-one days after receiving a complete and timely reconsideration request. If the superintendent's written response denies the reconsideration request, the superintendent's written response must notify the applicant of the applicant's right to a hearing conducted pursuant to North Dakota Century Code chapter 28-32. The applicant shall request the hearing within thirty days.

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16

67-11-23-07. Use of federal rules and policies.

Unless otherwise specified in this chapter, applicable federal law and program regulations govern special education technicians.

History: Effective October 1, 2021.

General Authority: NDCC 15.1-02-16, 15.1-32-02, 15.1-32-09, 28-32-02

Law Implemented: NDCC 15.1-02-16; 20 U.S.C. 1412(a)(14); 34 CFR 200.58