



Texas
Education
Agency

Texas Education Agency

NCLB Program Coordination



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No Child Left Behind

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GUIDANCE FOR THE IMPLEMENTATION
OF
PARAPROFESSIONAL REQUIREMENTS UNDER TITLE I, PART A

DIVISION OF NCLB PROGRAM COORDINATION
TEXAS EDUCATION AGENCY

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BASED ON STATUTE, REGULATIONS, AND USDE GUIDANCE DOCUMENTS

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Title I, Part A Paraprofessional Requirements

Question 1. What qualifications must paraprofessionals meet under NCLB?

NCLB requires that paraprofessionals hired by an LEA after January 8, 2002, meet one of the following qualifications if the paraprofessional will perform instructional duties in a Title I, Part A program:

- ◆ have completed at least two years of study at an institution of higher education [defined as completion of 48 semester hours (or equivalent trimester hours) of college coursework or an applicable number of semester hours as defined by the institution of higher education attended, whichever is less]; or
- ◆ have obtained an associate's (or higher) degree; or
- ◆ have met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment—
 - knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 - knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

NCLB requires existing paraprofessionals to meet one of these qualifications by January 8, 2006; however, Assistant Secretary of Education Ray Simon has extended this deadline to the end of the 2005-06 school year to be consistent with the highly qualified teacher requirements.

Paraprofessionals whose duties consist solely of parental involvement activities or translation services are exempt from the qualification requirement.

Question 2. How is "paraprofessional" defined for these requirements?

For the purposes of Title I, Part A USDE guidance defines a paraprofessional as an employee of an LEA who provides instructional support in a program supported with Title I, Part A funds.

"Paraprofessionals who provide instructional support," includes those who (1) provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher, (2) assist with classroom management, such as by organizing instructional materials, (3) provide instructional assistance in a computer laboratory, (4) conduct parental involvement activities, (5) provide instructional support in a library or media center, (6) act as a translator, or (7) provide instructional support services under the direct supervision of a highly qualified teacher. [*Title I, Section 1119(g)(2)*]

Because paraprofessionals provide instructional support, they should not be providing planned direct instruction, or introducing to students new skills, concepts, or academic content.

Individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions are not considered paraprofessionals under Title I, Part A.

Question 3. If a paraprofessional resigns at the end of the school year but is rehired by the same LEA before school begins, is the paraprofessional a new or existing employee?

The paraprofessional would be considered an existing employee.

Question 4. How do the new requirements apply to paraprofessionals in a schoolwide program?

The requirements in Question 1 apply to all paraprofessionals in a Title I schoolwide program who provide instructional assistance in a core academic subject area, without regard to whether the position is funded with Federal, State, or local funds. In a schoolwide program, Title I funds support all teachers and paraprofessionals.

Question 5. How do the new requirements apply to paraprofessionals in a targeted assistance program?

In a Title I targeted assistance program, the requirements in Question 1 apply to all paraprofessionals who are paid with Title I, Part A funds who provide instructional assistance in a core academic subject area (but not to paraprofessionals paid with State or local funds in targeted assistance programs).

Question 6. How do the requirements apply to paraprofessionals, such as home-school liaisons, whose duties consist solely of parental involvement activities?

A paraprofessional with duties that consist solely of conducting parental involvement activities must have a secondary school diploma or its equivalent but does not have to meet the other educational requirements in Question 1.

Question 7. How do the requirements apply to paraprofessionals who work solely as translators or bilingual/ESL aides?

A paraprofessional who is proficient in English and a language other than English and acts solely as a translator to enhance the participation of limited English proficient children under Title I, Part A, must have a secondary school diploma or its equivalent but does not have to meet the other educational requirements in Question 1.

Question 8. How do the requirements apply to paraprofessionals who work with special education students?

The requirements for persons who work with special education students differ depending upon their duties.

If a person working with special education students does NOT provide any instructional support (such as a person who solely provides personal care services), that person is not considered a paraprofessional under Title I, Part A, and the requirements in Question 1 do not apply.

If a person works in a Title I targeted assistance program, has instructional support duties in a core academic subject area, and is paid, in whole or in part, with Title I, Part A funds, the requirements in

Question 1 apply. If the person is not paid with Title I, Part A funds, however, the requirements in Question 1 do not apply.

If a person works in a Title I schoolwide program and has instructional support duties in a core academic subject area, the Question 1 requirements apply without regard to the source of funding that supports the position.

Question 9. Do the paraprofessional requirements apply to persons paid with funds under Title I, Part B (Student Reading Skills Improvement Grants and all subparts, including Even Start), Part C (Education of Migratory Children), or Part D (Programs for Children and Youth who are Neglected, Delinquent, or At-Risk)?

The paraprofessional qualification requirements in Question 1 do not apply to individuals paid with funds under Title I, Part B (Student Reading Skills Improvement Grants and all subparts, including Even Start), Part C (Education of Migratory Children), or Part D (Programs for Children and Youth who are Neglected, Delinquent, or At-Risk), unless these individuals are working in a schoolwide program under Part A or the paraprofessional is paid, in whole or in part, with Part A funds. (See Question 4.)

Question 10. Must a paraprofessional who provides services to eligible private school students and is employed by an LEA with Title I, Part A funds meet the new requirements?

Yes, such a paraprofessional must meet the requirements outlined in Question 1 because the individual is employed by the LEA.

Question 11. How do the requirements apply if a person performing non-instructional duties becomes an instructional paraprofessional?

In this case, the person is a "paraprofessional" as defined for Title I purposes and must meet the requirements in Question 1. In other words, the individual would have to hold a secondary diploma or its equivalent and meet the new qualification requirements. However, as an existing employee of the LEA, the individual would be considered an existing paraprofessional and would have until the end of the 2005-06 school year to demonstrate competency through postsecondary education or a formal State or local assessment.

Question 12. What if a person has both instructional support and non-instructional duties?

In this case, the person must meet the requirements in Question 1, because he or she carries out some instructional support duties.

Question 13. Do the Title I, Part A requirements for paraprofessionals (explained in Question 1) apply to LEAs or campuses that do not receive Title I, Part A funds?

No. If an LEA does not receive Title I, Part A funds, the requirements do not apply. Similarly, if an LEA receives Title I, Part A funds, but a campus within that LEA does not receive Title I, Part A funds, the requirements do not apply to paraprofessionals working in that campus.

Question 14. Would a paraprofessional, hired on or before January 8, 2002, and currently working in an LEA in a non-Title I program, be considered a “new” paraprofessional (and subject to the requirements for new paraprofessionals) if that individual is re-assigned to a campus supported with Title I funds?

A new paraprofessional is a paraprofessional who is newly hired by an LEA. If a person is working as a paraprofessional in a non-Title I campus in the same district, he or she is not considered to be a new paraprofessional if he or she transfers to a Title I campus within that district.

Question 15. Do the Title I requirements for new paraprofessionals apply to paraprofessionals who are laid off and then recalled? In other words, are these individuals “new” or “existing” paraprofessionals?

The statute and regulations state that “new” paraprofessionals are paraprofessionals hired after January 8, 2002, (the date of enactment of the NCLB Act), and “existing” paraprofessionals are paraprofessionals hired before that date.

An LEA has discretion to define its policies for distinguishing “new” and “existing” paraprofessionals in the case of paraprofessionals hired before January 8, 2002, but laid off and subsequently rehired after January 8, 2002. These policies might say, for example, that a paraprofessional who was initially hired on or before January 8, 2002, but who, because of the LEA’s fiscal constraints, was laid off at the end of one school year—

- Is considered an “existing” paraprofessional if the individual was rehired when the LEA recalled laid-off paraprofessionals such that the individual has continuous years of employment;
- Is considered a “new” paraprofessional if the individual did not rejoin the LEA when it recalled laid-off paraprofessionals if and when the individual is rehired.

Question 16. Once a paraprofessional has met the requirements, is the status of being qualified “portable”? That is, can the paraprofessional be deemed qualified in other LEAs within the State?

An LEA may, at its discretion, determine that a paraprofessional meets the Title I qualification requirements if the individual was previously determined to meet these requirements when employed by another LEA.

Question 17. Do the paraprofessional requirements apply to people working in schools as part of the AmeriCorps program?

The National Community Service Act states that AmeriCorps volunteers are not considered employees of the entities where they are placed (42 U.S.C. 12511 (17B)). Since AmeriCorps volunteers are not considered employees of a school district under State law, the paraprofessional requirements in section 1119 do not apply. However, even though the requirements do not apply, districts should make every effort to ensure that AmeriCorps volunteers who provide instructional support in a Title I program have the skills necessary to assist effectively in instructing reading,

writing, and mathematics or in reading readiness, writing readiness, and mathematics readiness, as appropriate.

Question 18. Do the paraprofessional requirements apply to volunteers?

No. Volunteers are not paid employees of an LEA and the paraprofessional requirements do not apply to them. However, school officials are encouraged to work with volunteers to ensure they have information and training necessary to carry out the activities they are performing, as appropriate.

Question 19. Do the paraprofessional requirements apply to people working in 21st Century Community Learning Center Programs?

In general, the requirements do not apply to individuals working in 21st Century Community Learning Center Programs. However, the requirements would apply to paraprofessionals paid with Title I, Part A funds in a 21st Century afterschool program funded jointly with Title I funds in a targeted assistance school, and to paraprofessionals working in a 21st Century afterschool program that is part of a Title I schoolwide program. The requirements do not apply to staff of 21st Century programs who are not employees of the LEA.

Question 20. Do the requirements apply to paraprofessionals working in Head Start programs?

In general, the requirements do not apply to paraprofessionals working in a Head Start program.

However, the requirements would apply to paraprofessionals working in a Head Start program that is jointly funded with Title I, Part A, funds and the paraprofessional is paid with Title I funds; for example, a program where Title I funds the instructional component and Head Start funds the remainder of the program activities.

The requirements would also apply when a Head Start program is part of a Title I schoolwide program. Note that a Head Start program simply located at a schoolwide campus does not make that Head Start program part of the schoolwide program and the requirements would not apply.

Note: Although Head Start funds may not be combined in a Title I schoolwide program school (*Federal Register* notice of Thursday, September 21, 1995), all staff working in a Title I schoolwide program school are considered Title I staff and all students are Title I students.

Question 21. Is a paraprofessional required to take a specific course of study?

No. However, paraprofessionals must be able to demonstrate knowledge of, and the ability to assist in instructing, reading, writing, and mathematics, or reading readiness, writing readiness, and mathematics readiness [*Section 1119(c)(1)(C)*]. For this reason, a paraprofessional who chooses to meet the qualification requirements by completing two years of study in an institution of higher education and has coursework to complete in order to do so, is encouraged to take courses that will enable the paraprofessional to demonstrate knowledge of these subject areas.

Question 22. One option for meeting the new educational requirements is for paraprofessionals to demonstrate their knowledge and ability through a formal State or local academic assessment. What is the purpose of this assessment?

To help improve student achievement, Title I paraprofessionals must have the appropriate knowledge and ability to assist in instructing students and be competent in required instructional techniques and academic content areas. Additionally, because students need good language role models and because communication is essential to effective instructional support, Title I paraprofessionals should also demonstrate that they are competent in basic literacy skills, including the ability to speak and write standard English.

The assessment is one way for Title I paraprofessionals to demonstrate knowledge of, and the ability to assist in instructing, reading arts, writing, and mathematics; or reading readiness, writing readiness, and mathematics readiness.

Question 23. Does “assessment” mean a “paper and pencil test” only, or could the assessment be a performance assessment evaluating demonstrable skills?

The law does not require a paper and pencil test. However, there must be evidence that the assessment is valid and reliable. Also, the assessment results must be documented, i.e., there needs to be a record of the assessment and the individual's performance on that assessment. Should an LEA decide to use or allow more than one type of assessment, each assessment should be evaluated against the same standards.

Question 24. When must the assessment be administered for newly hired paraprofessionals?

For a paraprofessional hired after January 8, 2002, the assessment must be administered and passed before an individual is hired to work as a Title I paraprofessional. The LEA may hire the paraprofessional as a substitute for a short period of time until the assessment is passed if the LEA implements performance assessments where the students would need to “get to know” the paraprofessional before the performance assessment is administered.

Question 25. May Title I funds be used to pay for the paraprofessional assessment?

Yes.

Question 26. What are the requirements for the supervision of paraprofessionals?

Paraprofessionals who provide instructional support must work under the direct supervision of a highly qualified teacher. *[Sections 1119(g)(3)(A)]*

A paraprofessional works under the direct supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working, and (2) the paraprofessional works in close and frequent proximity with the teacher. *[\$200.59(c)(2) of the Title I regulations]* As a result, a program staffed entirely by paraprofessionals is not allowable.

A program where a paraprofessional provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom, or a program where a paraprofessional works with a group of students in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the requirement that paraprofessionals work in close and frequent proximity to a teacher.

Question 27. Do the direct supervision requirements apply to paraprofessionals who provide services under third-party contract?

Yes, paraprofessionals hired by a third-party contractor to work in a Title I program must work under the direct supervision of a teacher. That teacher does not have to meet the teacher qualification requirements if he/she is also employed by the third party connection.

Question 28. Must a paraprofessional who provides services to eligible private school students and is employed by an LEA with Title I funds be under the direct supervision of a highly qualified *public* school teacher?

Yes, a paraprofessional who provides services to eligible private school students and is employed by an LEA must be under the direct supervision of a highly qualified public school teacher throughout the duration of the services/program being offered. [*\$200.59 (c)(1)*]