



# Title I

## Paraprofessionals

*Draft Non-Regulatory Guidance*



November 15, 2002  
DRAFT GUIDANCE

# TITLE I PARAPROFESSIONAL NON-REGULATORY GUIDANCE

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## **A. GENERAL INFORMATION**

### **A-1. Title I, as amended by the *No Child Left Behind Act*, has new requirements for paraprofessionals. Why is this important?**

Properly trained paraprofessionals can play important roles in Title I schools where they can magnify and reinforce a teacher's effect in the classroom. Unfortunately, studies (Chambers, et al, 2000) indicate that paraprofessionals are used in many Title I schools for teaching and assisting in teaching when their educational backgrounds do not qualify them for such responsibilities.<sup>1</sup> NCLB includes higher standards that educators must meet in order to ensure that students who need the most help are taught by highly qualified teachers and paraprofessionals.

### **A-2. What is a paraprofessional?**

For the purposes of Title I, Part A, a paraprofessional is an employee who provides instructional support in a program supported with Title I, Part A funds.

This includes paraprofessionals 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 organizing instructional and other materials, (3) provide instructional assistance in a computer laboratory, (4) conduct parental involvement activities, (5) provide support in a library or media center, (6) act as a translator, or (7) provide instructional support services under the direct supervision of a teacher [*Title I, section 1119(g)(2)*]. (Also see items B-11 through B-16)

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.

## **B. REQUIREMENTS FOR PARAPROFESSIONALS**

### **B-1. What are the requirements for Title I paraprofessionals?**

All Title I paraprofessionals must have a secondary school diploma or its recognized equivalent. This includes paraprofessionals who serve as translators or who conduct parental involvement activities.

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<sup>1</sup> See Chambers et al., *Study of Education Resources and Federal Funding: Final Report*, Washington, DC: U S Department of Education, 2000.

Additionally, Title I paraprofessionals whose duties include instructional support and who were hired after January 8, 2002, must have (1) completed two years of study at an institution of higher education; (2) obtained an associate's (or higher) degree; or (3) met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness) [section 1119(c) and (d)].

Paraprofessionals hired on or before January 8, 2002 and working in a program supported with Title I funds must meet these requirements by January 8, 2006.

**B-2. The statutory language refers to “two years of study at an institution of higher education” [section 1119(c)(1)(a)]. What does “two years of study” mean?**

“Two years of study” means the equivalent of two years of full-time study, according to the State definition of “full-time study.” In some states that may mean 12 credit hours per semester (requiring a total of 48 credit hours), while in others it may mean 15 credit hours a semester (requiring a total of 60 credit hours).

**B-3. The statutory language refers to “two years of study at an institution of higher education” [section 1119(c)(1)(a)]. What does the term “institution of higher education” mean?**

Section 101(a) of the Higher Education Act (HEA) defines an “institution of higher education” as an educational institution in any State that –

- 1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
- 2) is legally authorized within such State to provide a program of education beyond secondary education;
- 3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward such a degree;
- 4) is a public or other non-profit institution; and,
- 5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation by such an agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is a satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

This definition applies to the statutory language on the educational preparation of Title I paraprofessionals.

**B-4. What course(s) of study must have been pursued in the two years of study?**

Paraprofessionals should be able to demonstrate knowledge of and the ability to assist in instructing in the areas of reading, writing, and math, or in “school readiness”[*section 1119 (c) (1) (C)*]. Paraprofessionals are expected to have a working knowledge of these academic areas. (Also, see item C-2.)

Given that understanding, the State may determine what requirements, if any, it may choose to place on the coursework taken during the two years of study.

**B-5. Do existing paraprofessionals have four years to meet the requirement that paraprofessionals have a secondary school diploma or its equivalent?**

No. Section 1119(e) requires that all paraprofessionals have a secondary school diploma or its equivalent without regard to the date they were hired. This requirement took effect on the date of enactment of NCLB (January 8, 2002) and was, for the most part, already in effect because the prior law required most paraprofessionals to hold a secondary diploma or its equivalent.

**B-6. Does the new requirement for paraprofessionals (explained in B-1) apply to LEAs or schools that do not receive Title I funds?**

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

**B-7. 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 paraprofessional requirements for new paraprofessionals) if that individual is re-assigned to a program supported with Title I funds?**

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

**B-8. Do the Title I paraprofessional requirements for new paraprofessionals (explained in B-1) apply to paraprofessionals who are laid off and then recalled? In other words, are these individuals “new” or “existing” paraprofessionals?**

Paraprofessionals who are regularly “pink-slipped” at the end of one school year and then rehired at the beginning of the next school year, with the result that they have continuous years of employment, are considered “existing

paraprofessionals,” as their initial hiring date is on or before January 8, 2002. However, an individual who has a break in service and is re-hired at some later point would be considered a new paraprofessional.

**B-9. How do the new paraprofessional qualification requirements apply to paraprofessionals in a schoolwide program?**

The requirements in B-1 apply to all paraprofessionals with instructional duties in a schoolwide program, 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.

**B-10. How do the new paraprofessional qualification requirements apply to paraprofessionals in a targeted assistance program?**

In a Title I targeted assistance program, the requirements in B-1 apply to all paraprofessionals with instructional duties who are paid with Title I funds.

**B-11. What if a person has both instructional and non-instructional duties?**

In this case, the person falls under the definition of a “paraprofessional” and must meet the requirements as stated in B-1, because he or she carries out instructional support duties.

**B-12. What is required 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 B-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 have until January 8, 2006 to demonstrate competency through post-secondary education or a formal State or local assessment.

**B-13. What are the requirements for paraprofessionals who work solely as translators or bilingual aides?**

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

**B-14. What are the requirements for 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 requirements in B-1.

**B-15. What are the requirements for persons who deal with special education students?**

The requirements for persons who deal with special education students differ depending upon the situation.

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

If a person works in a Title I targeted assistance program and has instructional support duties and is paid with Title I funds, the B-1 requirements do apply.

If a person works in a Title I schoolwide program school and has instructional support duties, the B-1 requirements apply without regard to the source of funding that supports the position.

**B-16. Do the paraprofessional requirements apply to persons paid with funds under Title I, Part B (Student Reading Skills Improvement Grants), 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 B-1 do not apply to individuals paid with funds under Title I, Part B (Student Reading Skills Improvement Grants), 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 school. (See item B-9 for additional information.)

**B-17. Once a paraprofessional has met the requirements in B-1, is the status of being qualified “portable”? That is, can the paraprofessional be deemed qualified in other LEAs within a State?**

A State may, at its discretion, establish a policy whereby qualified paraprofessionals can have reciprocity in the LEAs within the State.



**B-18. What does it mean to “work under the direct supervision of a teacher”?**

Paraprofessionals providing instructional support must work under the direct supervision of a teacher [sections 1119(g)(2)(G) and 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) if the paraprofessional works in close and frequent proximity with the teacher. As a result, a program staffed entirely by paraprofessionals is not permitted.

**B-19. What are the allowable duties for paraprofessionals?**

Paraprofessionals may be assigned to (1) provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher; (2) assist in classroom management; (3) assist in computer instruction; (4) conduct parental involvement activities, (5) provide instructional support in a library or media center; (6) act as a translator, and (7) provide instructional support services [section 1119(g)(2)].

**B-20. Must a paraprofessional who provides services to eligible private school students and is employed by an LEA with Title I funds meet the new requirements?**

Yes, such a paraprofessional must meet the requirements outlined in B-1.

**B-21. Must a paraprofessional who provides service to eligible private school students and is employed by an LEA with Title I funds be under the direct supervision of a *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 public school teacher throughout the duration of the services/program being offered [section 1120(d)(2)]. (See also item B-18.)

**C. PARAPROFESSIONAL ASSESSMENT**

**C-1. One option for meeting the new educational requirements for paraprofessionals is to test their knowledge and ability through a formal State or local academic assessment. What is the purpose of this assessment?**

The purpose of the academic assessment is to demonstrate that Title I paraprofessionals have the appropriate knowledge and ability to assist in instructing students and are competent in required instructional techniques and academic content areas.

**C-2. What are the academic content areas in which Title I paraprofessionals must demonstrate the ability to assist in instructing?**

Title I paraprofessionals must demonstrate the ability to assist in instructing in the academic content areas of reading/language arts, writing, and mathematics; or in reading readiness, writing readiness, and mathematics readiness.

**C-3. 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.

**C-4. 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.

**C-5. Will the U.S. Department of Education approve proposed State or local paraprofessional assessments?**

No. Ensuring that all paraprofessionals have the qualifications required in section 1119 is the responsibility of each LEA, working in tandem with the State to ensure that those paraprofessionals who would demonstrate their competence by passing a State or local assessment are assessed in ways that meet the requirements of that section. Paraprofessionals may meet these requirements by (1) holding the minimum of an associate’s degree, (2) completing two years of study at an institution of higher education, or (3) passing a State or local assessment that will demonstrate their—

- (1) knowledge of, and the ability to assist in instructing, reading, writing and mathematics, or
- (2) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate [*Title I, section 1119(c)(1)(C)*].

Note that the State or local assessment must ensure that more than just basic skills are being assessed. The law requires that it be a test of subject knowledge and the ability to assist in instructing.

Each SEA may use the following guidelines in approving assessments and that the SEA then communicate this information to the LEAs:

- SEAs and LEAs have flexibility to determine the content and format of any assessment of paraprofessionals. For example, while an appropriate assessment might be entirely a written test, it alternatively could be a combination of a written test on content (reading, writing, and math) and a demonstration of competence in instruction (assessed through observations via a series of rubrics).
- The content of the assessment should reflect both the State academic standards and skills expected for a child at a given school level (elementary, middle, or high school), as well as the ability of the candidate to assist in instructing students in the content. Clearly, the assessment should be rigorous and objective. Furthermore, each evaluation should have a standard that the candidate is expected to meet or exceed. These standards for evaluation must be applied to each candidate in the same way.
- The results of the assessment should establish the candidate's competence as a paraprofessional relative to the standards in section 1119(c)(1)(C), or target the areas where additional training and staff development may be needed to help the candidate succeed at meeting the standard before they are hired. The results should be documented and the LEA should retain that documentation.

Moreover, an SEA may wish to go on record establishing which assessments it has determined meet the statutory requirements, to what extent State policies permit LEAs to develop, select or implement their own assessments for paraprofessionals, and what requirements, if any, the State places on any local assessment. Keeping such formal approvals on file, along with an explanation as to how the State (or local) assessments meet these requirements, would be one way of making sure that the State (or local) assessments on which LEAs rely comply with the law. The SEA could then communicate this information to LEAs, so that each LEA is clear as to what the options are when it comes to assessing paraprofessionals.

#### **C-6. What level of rigor should the paraprofessional assessment have?**

The paraprofessional assessment is expected to evaluate paraprofessional candidates at a level equivalent to the second year of college. Having skills at the level of the second year of college is the intent of the law. *[See section 1119(c) and (d0)].*

## **D. RELATED ISSUES**

### **D-1. 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)). Unless AmeriCorps volunteers are considered employees under State law, the paraprofessional requirements in section 1119 (see items B-1 and B-5) 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 reading readiness, writing readiness, and mathematics readiness, as appropriate.

### **D-2. Do the new requirements apply to volunteers?**

No. Private individuals frequently volunteer to assist teachers in the classroom and support local schools by performing a variety of tasks for limited periods of time. Since they are not paid employees of a school district, they are not covered by the requirements for Title I paraprofessionals in section 1119 (see items B-1 and B-5).

### **D-3. Sometimes early childhood programs, such as birth-to-3 and Head Start programs, or State-funded early childhood programs, are located in buildings housing Title I schoolwide programs. Do the paraprofessional requirements apply to paraprofessionals working in such early childhood programs?**

The paraprofessional requirements do not apply to individuals working in early childhood programs that are physically located in a Title I school but are not part of the schoolwide program and are not funded with Title I funds -- such as a Head Start program.

However, these requirements do apply to paraprofessionals with instructional duties in Title I-funded early childhood programs. In a targeted assistance school, this means that paraprofessionals with instructional duties paid with Title I funds in an early childhood program would have to meet the requirements.

In a schoolwide program school, all paraprofessionals with instructional duties working in the early childhood program must meet the requirements, regardless of how their salary is funded.

**D-4. Some paraprofessionals work in programs for children ranging in age from birth to age 20 that are supported by Title I, Part A funds. Are they required to meet the Title I requirements?**

Paraprofessionals in a targeted assistance program paid for by Title I funds or paraprofessionals with instructional duties in a schoolwide school must meet the qualification requirements without regard to the age of the children being served. See response above regarding early childhood services funded solely with non-Title I funds.

**E. FUNDING ISSUES**

**E-1. What funds are available for helping paraprofessionals in Title I schools meet the new requirements?**

A number of key ESEA programs authorize funds that can be used to improve teacher quality:

- Under section 1119 of Title I, an LEA must use not less than five percent or more than ten percent of its Title I allocation in the school years 2002-2003 and 2003-2004 (and not less than five percent in subsequent years) for professional development activities to ensure that teachers and paraprofessionals meet the qualification requirements in section 1119 [section 1119(l)].
- LEAs also may use their general Title I funds “to support ongoing training and professional development to assist teachers and paraprofessionals” [section 1114(b)(1)(D) and section 1115(c)(1)(F) and (d)].
- Schools and LEAs identified as needing improvement must also reserve funds for professional development and these funds may be used for paraprofessionals [sections 1116(b)(3)(A)(iii) and 1116(c)(7)(A)(iii)].
- Title III, Part A, the English Language Acquisition, Language Enhancement, and Academic Achievement Act, authorizes LEAs to use formula grant funds for professional development of teachers and other instructional personnel providing instruction to students needing English language acquisition and language enhancement [section 3111(a)(2)(A)].
- Title V, Part A, Innovative Programs, authorizes LEAs to use funds innovatively in certain areas for teachers and other school personnel [section 5131(a)].
- Title VII, Part A, the Indian Education Program, requires a comprehensive program for meeting the needs of Indian children that, among other things,

calls for professional development opportunities to ensure that teachers and other school professionals have been properly trained [section 7114(b)(5)].

**E-2. May an LEA use the Title II, Part A *Improving Teacher Quality State Grants* funds to provide training for paraprofessionals?**

Yes. The law allows LEAs to use these funds to provide professional development activities “that improve the knowledge of teachers and principals, and, in appropriate cases, paraprofessionals” concerning:

- One or more core academic subjects that teachers teach, or
- Effective instructional strategies, methods, and skills, and use of challenging content and academic achievement standards and State assessments to improve teaching practices and student academic achievement [section 2123(a)(3)(A)].

Note that, provided that an LEA maintains records of the amount of Title I and Title II, Part A funds used for these professional development activities, and the Title I funds are used as permitted in the Title I statute and regulations, Title I and Title II, Part A funds may be used jointly for this purpose.

In addition, Title IX, section 9101(34) states that professional development programs can be created that enable paraprofessionals to obtain the education necessary to become certified and licensed teachers.