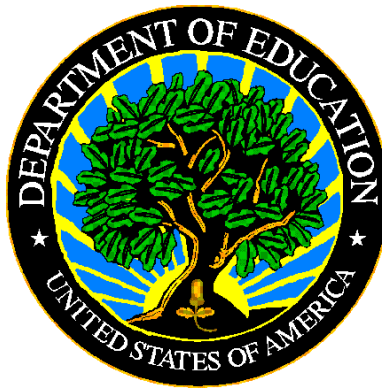




Title I

Paraprofessionals

Non-Regulatory Guidance



March 1, 2004

TITLE I PARAPROFESSIONALS NON-REGULATORY GUIDANCE

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Summary of Major Changes

This updated version March 1, 2004, of the Title I Paraprofessionals Non-regulatory Guidance is reorganized so that all questions addressing similar topics are in the same section. In addition to a number of minor and technical changes, the following questions are new or have been significantly revised:

- B-15 is revised to highlight the discretion LEAs have for distinguishing “new” and “existing” paraprofessionals in the case of paraprofessionals hired prior to January 8, 2002, but laid off and subsequently rehired after January 8, 2002. The revised response includes an example of what a district policy addressing this issue might say.
- B-16 clarifies that LEAs have the discretion to determine that a paraprofessional meets Title I qualification requirements if the individual was previously determined to meet those requirements when employed by another LEA .
- A new question (B-19) is added to say that, in general, the paraprofessional requirements do not apply to individuals working in 21st Century Community Learning Center Programs.
- A new question (B-20) is added to clarify that the requirements do not apply to paraprofessionals working in Head Start programs unless the paraprofessional is working in a Head Start program jointly funded with Title I, Part A funds and the paraprofessional’s salary is paid with Title I, Part A funds.
- B-22 is revised to clarify that “two years of study” at an institution of higher education means the equivalent of two years of study defined by the institution of higher education rather than the State educational agency.
- The guidance includes a new question (B-25) describing how continuing education credits may be used to meet the requirement that a paraprofessional complete at least two years of study at an institution of higher education.
- A new question (C-5) is added stating that Title I, Part A funds may be used to pay for the paraprofessional assessment.
- D-1 addressing the requirements for the supervision of paraprofessionals is expanded to include examples of programs that are inconsistent with the statutory and regulatory requirements.
- A new question (D-2) is added to clarify that the direct supervision requirements apply to paraprofessionals who work for a third-party contractor.

A. GENERAL INFORMATION

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

Title I of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind (NCLB) Act, is designed to help disadvantaged children reach high academic standards. Properly trained paraprofessionals can play important roles in improving student achievement in Title I schools where they can reinforce and augment a teacher's effort in the classroom. Unfortunately, studies 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.¹ Title I of the ESEA, as amended by the NCLB Act requires that paraprofessionals meet higher standards of qualification, and ensures that students who need the most help receive instructional support only from qualified paraprofessionals.

A-2. What is a paraprofessional?

For the purposes of Title I, Part A, a paraprofessional is 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.

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

B. REQUIREMENTS FOR PARAPROFESSIONALS

What are the requirements?

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

(1) All Title I paraprofessionals must have a secondary school diploma or its recognized equivalent.

(2) Additionally, except as noted below, paraprofessionals hired after January 8, 2002, and working in a program supported with Title I, Part A funds must have—

- Completed two years of study at an institution of higher education; or
- Obtained an associate's (or higher) degree; or
- 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).

Paraprofessionals hired on or before January 8, 2002, and working in a program supported with Title I, Part A funds must meet these requirements by January 8, 2006. *[Section 1119(c) and (d) of Title I]*

Paraprofessionals who only serve as translators or who only conduct parental involvement activities must have a secondary school diploma or its equivalent but do not have to meet the additional requirements. *[Section 1119(e)]*

B-2. Are there any requirements outside of Title I that apply to the hiring of paraprofessionals?

Yes. Under section 2141(c) of Title II of the ESEA, as amended by the NCLB Act, if a State educational agency (SEA) determines that an LEA (1) has failed to make progress toward meeting the annual measurable objectives established by the State for increasing the percentage of highly qualified teachers in each LEA and school and for increasing the percentage of teachers receiving high quality professional development, and (2) has failed to make adequate yearly progress for three consecutive years, the SEA must enter into an agreement with the LEA. This agreement must include a plan that the LEA will use to meet its annual measurable objectives and that prohibits the use of Title I, Part A funds to

fund any paraprofessional hired after the date the initial determination was made, with two exceptions. The exceptions are—

- The agreement must permit the use of Title I, Part A funds to hire a paraprofessional after the date of the determination if the hiring is to fill a vacancy created by the departure of another paraprofessional paid with Title I funds and the newly hired paraprofessional meets the statutory qualification requirements;
- The agreement may allow the use of Title I, Part A funds to hire a paraprofessional after the date of the determination if the LEA can demonstrate--
 - that a significant influx of population has substantially increased student enrollment; or
 - that there is an increased need for translators or assistance with parental involvement activities.

To whom do the requirements apply?

B-3. How do the new requirements apply to paraprofessionals in a schoolwide program?

The requirements in B-1 apply to all paraprofessionals in a Title I 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-4. How do the new 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 who are paid with Title I, Part A funds (but not to paraprofessionals paid with State or local funds in targeted assistance programs).

B-5. 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 B-1.

B-6. How do the requirements apply to paraprofessionals who work solely as translators or bilingual 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 B-1.

B-7. How do the requirements apply to persons 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 B-1 do not apply.

If a person works in a Title I targeted assistance program, has instructional support duties, and is paid, in whole or in part, with Title I, Part A funds, the requirements in B-1 apply. If the person is not paid with Title I, Part A funds, however, the requirements in B-1 do not apply.

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

B-8. 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 B-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 B-3.)

B-9. 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 B-1.

B-10. 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 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 be considered an existing paraprofessional and would have until January 8, 2006 to demonstrate competency through postsecondary education or a formal State or local assessment.

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

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

B-12. Do the new requirements for paraprofessionals (explained in B-1) apply to LEAs or schools 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 school within that LEA does not receive Title I, Part A funds, the requirements do not apply to paraprofessionals working in that school.

B-13. Do existing paraprofessionals have until January 8, 2006, to meet the requirement that paraprofessionals have a secondary school diploma or its equivalent?

No. Section 1119(f) 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 the NCLB Act (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-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 program 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 school in the same district, he or she is not considered to be a new paraprofessional if he or she transfers to a Title I school within that district.

B-15. Do the Title I 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?

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: 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—

- (1) 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;
- (2) 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.

B-16. 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?

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.

B-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)). Unless AmeriCorps volunteers are considered employees of a school district 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 in reading readiness, writing readiness, and mathematics readiness, as appropriate.

B-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.

B-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.

B-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: 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.

B-21. 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 who are paid with Title I, Part A, funds or paraprofessionals with instructional duties in a schoolwide program school must meet the qualification requirements regardless of the age of the children being served.

What is the requirement for two years of study at an institution of higher education?

B-22. 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, as defined by the institution of higher education (IHE). For some IHEs 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-23. What does the term “institution of higher education” mean?

Section 9101(24) of the ESEA, amended by the NCLB Act, incorporates the definition of institution of higher education found in section 101(a) of the Higher Education Act. It 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 satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

B-24. 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.

B-25. May continuing education credits (CECs) be used to meet the requirement that paraprofessionals complete at least two years of study at an institution of higher education?

A State or LEA, as appropriate, may count CECs toward the requirement that a paraprofessional complete at least two years of study at an institution of higher education if the CECs are part of an overall training and development program plan and an institution of higher education accepts or translates them to course credits.

C. PARAPROFESSIONAL ASSESSMENT

C-1. 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.

C-2. 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 a State or LEA decide to use or allow more than one type of assessment, each assessment should be evaluated against the same standards.

C-3. 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-4. What factors should States take into consideration in approving State or local paraprofessional assessments?

The following guidelines may assist an SEA in approving assessments:

- 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 the skills expected of a child at a given school level (preschool, elementary, middle, or high school), and the ability of the candidate to effectively provide instructional support to assist students in mastering 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 meet those standards before being hired. The results should be documented and the LEA should retain that documentation.

Moreover, an SEA may wish to officially establish the assessments it has determined meet the statutory requirements, the extent to which State policies permit LEAs to develop, select or implement their own assessments for paraprofessionals, and the 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-5. May Title I funds be used to pay for the paraprofessional assessment?

Yes.

D. PROGRAMMATIC REQUIREMENTS

D-1. 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 permitted.

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.

D-2. Do the direct supervision requirements apply to paraprofessionals who provide services under 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.

D-3. 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)*]

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 may be used:

- 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 school year 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 including paying for the paraprofessional assessment. [*Section 1119(I) of Title I, §200.60 of the Title I regulations*]
- LEAs also may use their general Title I funds “to support ongoing training and professional development to assist teachers and paraprofessionals, including paying for the paraprofessional assessment.” [*Section 1114(b)(1)(D) and Section 1115(c)(1)(F) of Title I*]
- Schools and LEAs identified as needing improvement must also reserve funds for professional development and these funds may be used for training paraprofessionals. [*Sections 1116(b)(3)(A)(iii) and 1116(c)(7)(A)(iii) of Title I*]

- Title II, Part A, Improving Teacher Quality State Grants funds may be used to provide professional development that “improve[s] the knowledge of teachers and principals, and, in appropriate cases, paraprofessionals concerning core academic subjects and related activities to improve student academic achievement.” *[Section 2123(a)(3)(A)]*
- 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 professional development of teachers and other school personnel. *[Section 5131(a)]*
- Title VII, Part A, subpart 7, the Indian Education Program, requires LEAs receiving formula grants to carry out a comprehensive program for meeting the needs of Indian children that, among other things, may include professional development to ensure that teachers and other school professionals have been properly trained. *[Section 7114(b)(5)]*
- Title I and Title II funds may be used jointly for professional development consistent with the statutory requirements of the two programs.

E-2. May Title I and Title II funds be used for professional development to help paraprofessionals become certified and licensed teachers?

Yes. Title I and Title II funds may be used for that purpose.