

November 22, 2002

Dr. Jackie Jackson, Acting Director
Student Achievement and School Accountability Programs
Office of Elementary and Secondary Education
U. S. Department of Education
400 Maryland Avenue, SW – Room 3W230 (FB-6)
Washington, DC 20202-6132

Dear Dr. Jackson:

The Council of the Great City Schools, the coalition of the nation's largest central-city school districts, is pleased to submit the following comments on the draft, non-regulatory guidance for Title I Paraprofessionals (November 15, 2002). The Council is very supportive of the regulatory approach taken by the U.S. Department of Education to date, and, for the most part, the paraprofessional guidance continues the Department's practice of regulating only when absolutely necessary.

Flexible guidance is essential to helping school districts meet the requirements of *No Child Left Behind*, and encouraging to the cities that are working hard to raise achievement for all students. Paraprofessionals are especially integral to education in the cities, where their assistance in overcrowded and diverse schools is crucial to helping classroom teachers address the needs of every student. To this end, we request that a limited number of revisions be made to the draft guidance, specifically in areas where requirements that did not exist in the Act have been added, or flexibility that could originally be found has been reduced. Such instances include the addition of a college-level equivalency standard not found in the statute and a new State role for approving the use of a local assessment.

Our comments follow the format the Council used while supplying recommendations on the proposed Title I regulations in August. We support the overwhelming majority of the draft guidance, and have highlighted areas of particularly strong support in bold print. Portions of the draft guidance that we feel add to the statute, limit the flexibility of the law, or hinder the ability of schools to meet high standards for all students are presented in regular print. Finally, any portion of the draft guidance which needs to be clarified or explained in greater detail is printed in italics.

The Council appreciates the Department's assistance and outreach to urban schools during implementation of *No Child Left Behind*, and we offer the attached comments in the same spirit of cooperation and expectation for success in increasing student achievement.

Sincerely,

Jeffrey A. Simering
Director of Legislative Services

COUNCIL OF THE GREAT CITY SCHOOLS

COMMENTS ON THE DRAFT, NON-REGULATORY GUIDANCE FOR TITLE I PARAPROFESSIONALS

SECTION A – GENERAL INFORMATION

Sec. A-1 – A-2.

High Quality Paraprofessionals – Supported Provisions

The Council strongly supports the standard set for paraprofessionals in *No Child Left Behind*, and agrees that paraprofessionals who assist in the instruction of our children must be well qualified. We further agree that individuals that play important roles in the operation of a school, but do not have any instructional role (such as cafeteria and playground supervisors) do not have to meet the same level of qualification as those who are assisting with instruction.

SECTION B – REQUIREMENTS FOR PARAPROFESSIONALS

Sec. B-1 – B-3.

Paraprofessionals Assisting with Instruction – Supported Provisions

The guidance follows the flexibility of the statute in requiring that all paraprofessionals have a high school degree or equivalent, but that paraprofessionals must also meet one of three specific criteria in order to assist a teacher with instruction. These paraprofessionals must have: (1) completed two years of study at an institution of higher education; (2) obtained an associate’s degree; or (3) met a rigorous standard of quality on a State or local assessment.

Sec. B-4.

Additional State Authority and Local Expenditures – Recommended Revision

Each LEA is responsible for the hiring of its paraprofessionals and for ensuring that those assisting with instruction meet the specific criteria outlined in B-1. The Act does not authorize States to determine the specific coursework that a paraprofessional candidate must have taken during their two years of study at an institution of higher education. Further, the U.S. Department of Education should not encourage additional requirements beyond the statute. An SEA may include particular competency requirements if it develops its own assessment for paraprofessionals to demonstrate their knowledge and ability, but States should not be allowed to narrowly define a provision that is fully described in the statute. Moreover, the second paragraph in B-4 could be construed as encouraging the States to credential or certificate paraprofessionals – an option originally discussed, but not pursued in the legislation. The creation of a credentialing structure for paraprofessionals could result in additional salary demands and budgetary burdens on local schools and districts. The U.S. Department of Education should exercise regulatory restraint in these areas. (ALSO SEE SECTION C-2)

Recommendation: Strike Section B-4.

Sec. B-7 – B-8.

Definitions of “Existing Paraprofessionals” – Supported Provisions

The Council supports the decision to identify paraprofessionals working in any school in the district before enactment as “existing paraprofessionals,” as well as including those that must be laid off and rehired every year for budgetary purposes. These employees have been an integral part of district and school operations, and should be given the full opportunity to meet new standards laid out under *No Child Left Behind*.

Sec. B-13 – B-14.

Instructional vs. Non-instructional Paraprofessionals – Supported Provisions

The Council strongly supports the identification of paraprofessionals working primarily as translators or in a parental involvement capacity as distinct from instructional paraprofessionals. Urban schools enroll the nation’s largest population of disadvantaged students, as well as the largest number of English Language Learners, and paraprofessionals that work in these capacities play an important role in meeting the special needs of urban students without performing any instructional duties. Qualifications for such paraprofessionals should be different from those who provide instructional support to classroom teachers. The draft guidance is also consistent with the guidance letter regarding paraprofessionals released by the Department on April 30, 2002.

SECTION C – PARAPROFESSIONAL ASSESSMENT

Sec. C1 and C3.

Assessment of Paraprofessional Knowledge and Ability – Supported Provisions

The Council strongly agrees with the option of assessing candidates for instructional and content competency. The flexibility contained in the draft guidance regarding the manner and form of the assessment will help districts ensure that qualified paraprofessionals assist classroom teachers with instruction.

Sec. C-2.

Assessing Knowledge and Ability by Content Areas – Requested Clarification

A paraprofessional providing instructional support only in mathematics should not have to demonstrate skills in reading and writing, or vice-versa. Requiring a paraprofessional to demonstrate competency in areas that they are not providing instructional assistance is analogous to requiring a math teacher to have a reading or language arts major.

Sec. C-4.

Probationary Status Prior to Performance Assessment – Requested Clarification

If a district uses a performance assessment as the way to determine whether or not paraprofessionals are qualified, new paraprofessionals may need to be hired on a probationary basis, subject to their ability to demonstrate competency on the appropriate State or local assessment. This hiring under probationary status would have to take place before the paraprofessional has a chance to take the assessment. In addition, the Council requests a clarification that paraprofessionals hired after January 8, 2002, but prior to the availability of a paraprofessional assessment, should be given the State or local

assessment immediately in order to be in compliance.

Sec. C-5.

Removal of Locally-determined Assessment Provision – Recommended Revision

A revision is needed with regard to the role of States if an LEA is developing or identifying an assessment for paraprofessionals locally. The statute does not authorize a State role to approve a local assessment. In contrast, both SEAs and LEAs are given specific authority to develop or acquire an assessment for paraprofessionals. The statute would not have provided explicit local authority if it did not want to ensure an independent local program. The Department’s guidance should not encourage States to add requirements or procedures not found in the statute, such as assessment approval.

Recommendation: On page 7, strike the sentence, “Each SEA may use the following guidelines in approving assessments and that the SEA then communicate this information to the LEAs:” and replace it with, “The following guidelines may be useful to State or local educational agencies developing or selecting paraprofessional assessments.”

Recommendation: Strike the first, non-bulleted paragraph of page 8, and insert, “An SEA may, but is not required to, go on record establishing which assessments it has determined meet the statutory requirements. In any case, the SEA or LEA must document the assessments they are using for paraprofessionals, and keep on file an explanation of how the assessment meets the requirements of the Act.”

Sec. C-6.

New Content Standard for Paraprofessional Assessment – Recommended Revision

A specific college-level equivalency for the State or local assessment is not found in the section of the statute cited in the guidance [Sec. 1119(c) and (d)] or anywhere in the law. This stated intent also can not be found in the conference report, and adds an additional requirement that does not exist in *No Child Left Behind*. The statute includes three separate qualification criteria – none of which are dependent on any of the others. The Department has no basis for interrelating these distinct criteria, and is merely adding regulation to the law. The quality, content, and standards that are to be included in a paraprofessional assessment are sufficiently outlined in the statute, and reflected in Section C-1 through C-5 of the draft guidance.

Recommendation: Strike Section C-6.

SECTION E – FUNDING ISSUES

Sec. E-1.

Helping Paraprofessionals Meet the New Requirements – Requested Clarification

Some clarification is needed as to whether Title II, Part D funds (“Enhancing Education Through Technology”) can also be used to provide professional development for paraprofessionals. Federal technology funds can be used on school library media personnel and parental involvement activities, and includes a required set-aside for professional development that will, “lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State

academic content standards, including increasing student technology literacy, and student academic achievement standards”[Sec. 2416(a)(1)(C)]. Some of the allowable activities and goals of the federal technology program coincide with the work and efforts of paraprofessionals.

Recommendation: Include Title II, Part D as an allowable source of funds for paraprofessional professional development. This training should also be counted towards the required expenditures of Title II-D [Sec. 2416(a)(1)].