



# UTAH STATE BOARD OF EDUCATION

Martell Menlove, Chief Executive Officer  
Lorraine Austin, Board Secretary

Tami W. Pyfer, Chair

David L. Crandall, First Vice Chair  
David L. Thomas, Second Vice Chair

Dixie L. Allen  
Kim R. Burningham  
Keith M. Buswell  
Leslie B. Castle

Barbara W. Corry  
Dan Griffiths  
Heather Groom  
Michael G. Jensen

Jennifer A. Johnson  
Jefferson Moss  
C. Mark Openshaw  
Debra G. Roberts

## **MEMORANDUM**

**TO:** Members, Utah State Board of Education

**FROM:** Martell Menlove, Ph.D.  
Chief Executive Officer

**DATE:** February 7, 2014

**ACTION:** R277-524 *Paraprofessional/Paraeducator Programs, Assignments, and Qualifications* (Continuation and Amendment)

---

### **Background:**

1. R277-524 *Paraprofessional/Paraeducator Programs, Assignments, and Qualifications* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire. Staff has reviewed R277-524 and determined that the rule continues to be necessary.
2. R277-524 *Paraprofessional/Paraeducator Programs, Assignments, and Qualifications* is amended to remove language that is no longer applicable. With the ESEA Flexibility Waiver that was granted by the U.S. Department of Education, Utah no longer identifies Title I schools in need of improvement under the adequate yearly progress (AYP) accountability model.

### **Key Points:**

1. R277-524 continues to be necessary because it designates appropriate assignments and qualifications of paraprofessionals.
2. The phrase "adequate yearly progress" is removed from the rule.

### **Anticipated Action:**

1. It is proposed that the Law and Licensing Committee consider approving R277-524 for continuation on first reading, and if approved by the Committee, the Board consider approving R277-524 for continuation on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-524, as amended, on first reading, and if approved by the Committee, the Board consider approving R277-524, as amended, on second reading.

**Contact:** Judy Park, 801-538-7550  
Karl Wilson, 801-538-7509

1 **R277. Education, Administration.**

2 **R277-524. Paraprofessional/Paraeducator Programs, Assignments,**  
3 **and Qualifications.**

4 **R277-524-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Core academic subjects or areas" means English,  
7 reading or language arts, mathematics, science, foreign  
8 languages, civics and government, economics, arts, history,  
9 and geography under the Elementary and Secondary Education Act  
10 (ESEA), also known as the No Child Left Behind Act (NCLB).

11 C. "Direct supervision of a licensed teacher" means:

12 (1) the teacher prepares the lesson and plans the  
13 instruction support activities the paraprofessional carries  
14 out, and the teacher evaluates the achievement of the students  
15 with whom the paraprofessional works; and

16 (2) the paraprofessional works in close and frequent  
17 proximity with the teacher.

18 D. "Eligible school," for purposes of this rule and the  
19 Paraeducator Funding Program, means a Title I school that [~~has~~  
20 ~~not achieved adequate yearly progress, as defined by ESEA, in~~  
21 ~~the same subject area for two consecutive years or~~] is one of  
22 the state's lowest-performing Title I priority schools as  
23 defined by ESEA.

24 E. "No Child Left Behind (NCLB)" means the federal law  
25 under the Elementary and Secondary Education Act, Title IX,  
26 Part A, 20 U.S.C. 7801.

27 F. "Paraeducator funding" means supplemental state  
28 funding provided under Section 53A-17a-168 to Title I schools  
29 identified as in need of improvement under the Elementary and  
30 Secondary Education Act (ESEA), Title IX, Part A, 20 U.S.C.  
31 7801 to hire additional paraeducators to assist students in  
32 achieving academic success.

33 G. "Paraprofessional" or "paraeducator" means an  
34 individual who works under the supervision of a teacher or

35 other licensed/certificated professional who has identified  
36 responsibilities in the public school classroom.

37 **R277-524-2. Authority and Purpose.**

38 A. This rule is authorized by Utah Constitution, Article  
39 X, Section 3 which vests general control and supervision of  
40 public education in the Board, Section 53A-1-401(3) which  
41 gives the Board authority to adopt rules in accordance with  
42 its responsibilities, Section 53A-1-402(1)(a)(i) which requires  
43 the Board to establish rules and minimum standards for the  
44 public schools regarding the qualification and certification  
45 of educators and ancillary personnel who provide direct  
46 student services, and NCLB, P.L. 107-110, Title 1, Sec, 1119  
47 which requires that each local education agency receiving  
48 assistance under this part shall ensure that all  
49 paraprofessionals shall be appropriately qualified.

50 B. The purpose of this rule is to designate appropriate  
51 assignments of paraprofessionals and qualifications for  
52 paraprofessionals hired before and after January 6, 2002  
53 consistent with NCLB requirements.

54 C. This rule establishes the formula for distribution of  
55 Paraeducator funding under Section 53A-17a-168 to eligible  
56 schools. The rule provides minimum standards for use of funds  
57 and reporting requirements.

58 **R277-524-3. Appropriate Assignments or duties for**  
59 **Paraprofessionals.**

60 Paraprofessionals may:

61 A. provide individual or small group assistance or  
62 tutoring to students under the direct supervision of a  
63 licensed teacher during times when students would not  
64 otherwise be receiving instruction from a teacher.

65 B. assist with classroom organization and management,  
66 such as organizing instructional or other materials;

- 67 C. provide assistance in computer laboratories;
- 68 D. conduct parental involvement activities;
- 69 E. provide support in library or media centers;
- 70 F. act as translators;
- 71 G. provide supervision for students in non-instructional
- 72 settings.

73 **R277-524-4. Requirements for Paraprofessionals.**

74 A. Paraprofessionals hired before January 6, 2002 who  
75 function under R277-504-3A, and working in programs supported  
76 by Title I funds shall satisfy one of the following[~~prior to~~  
77 ~~January 6, 2006~~]:

78 (1) The individual has completed at least two years  
79 (minimum of 48 semester hours) at an accredited higher  
80 education institution; or

81 (2) The individual has obtained an associates (or  
82 higher) degree from an accredited higher education  
83 institution; or

84 (3) The individual has satisfied a rigorous state  
85 assessment, approved by the Board, that demonstrates:

86 (a) knowledge of, and the ability to assist in  
87 instructing, reading, writing, and mathematics; or

88 (b) knowledge of, and the ability to assist in  
89 instructing, reading readiness, writing readiness, and  
90 mathematics readiness, as appropriate; or

91 (4) The individual has satisfied a rigorous local  
92 assessment, approved by the local board, that demonstrates:

93 (a) knowledge of, and the ability to assist in  
94 instructing, reading, writing, and mathematics; or

95 (b) knowledge of, and the ability to assist in  
96 instructing, reading readiness, writing readiness, and  
97 mathematics readiness, as appropriate.

98 B. Paraprofessionals hired after January 6, 2002 in  
99 programs supported by Title I funds shall satisfy R277-524-

100 4B(1)(2)(3) or (4).

101 (1) Individual shall have earned a secondary school  
102 diploma or a recognized equivalent; and

103 (2) The individual has completed at least two years  
104 (minimum of 48 semester hours) at an accredited higher  
105 education institution; or

106 (3) The individual has obtained an associates (or  
107 higher) degree from an accredited higher education  
108 institution; or

109 (4) The individual has satisfied a rigorous state or  
110 local assessment about the individual's knowledge of an  
111 ability to assist students in core courses under NCLB.

112 C. The individual shall satisfactorily complete a  
113 criminal background check [~~if he will have significant~~  
114 ~~unsupervised access to students~~] consistent with Section 53A-  
115 3-410(2) and R277-516.

116 **R277-524-5. Variances.**

117 The provisions of this rule do not apply to:

118 A. paraprofessionals who are proficient in English and  
119 a language other than English who provide translator services;  
120 or

121 B. paraprofessionals who have only parental involvement  
122 or similar responsibilities.

123 **R277-524-6. Use of Funds.**

124 Local education agencies may use Title I funds in  
125 addition to other funds available and identified by the local  
126 education agency to support ongoing training and professional  
127 development for paraprofessionals.

128 **R277-524-7. Board Responsibilities.**

129 A. The Board shall annually distribute funds provided  
130 under Section 53A-17a-168 to eligible Title I schools. The

131 funds shall be divided equally among eligible schools.

132 B. The Board shall submit an annual report to the Public  
133 Education Appropriations Subcommittee on the implementation of  
134 this program.

135 **R277-524-8. Responsibilities of Eligible Schools Receiving**  
136 **Paraeducator Funding.**

137 A. Paraeducators hired with these funds shall meet the  
138 qualifications under R277-524-4.

139 B. Paraeducators hired with these funds shall provide  
140 additional aid in the classroom to assist students in  
141 achieving academic success as defined in R277-524-3A.

142 C. Schools that accept the Paraeducator Funding shall  
143 demonstrate, as required by USOE reporting, that funds are  
144 used to supplement other state and federal funds to provide  
145 paraeducator services.

146 D. Schools accepting these funds shall provide an annual  
147 report as directed by the USOE that includes the following:

148 (1) the number of paraeducators hired with program money;

149 (2) school funding, in addition to funds provided under  
150 this rule, the school used to supplement program money to hire  
151 paraeducators; and

152 (3) accountability measures, including student test  
153 scores and other student assessment elements for students  
154 served by the program.

155 **KEY: paraprofessional qualifications, NCLB**

156 **Date of Enactment or Last Substantive Amendment: [~~July 9,~~**  
157 **~~2012~~]2014**

158 **Notice of Continuation: [~~January 5, 2009~~]2014**

159 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**  
160 **53A-1-401(3); 53A-1-402(1)(a)(i); P.L. 107-110, Title 1, Sec,**  
161 **1119**