

CSBA Sample Administrative Regulation

Classified Personnel

AR 4222(a)

TEACHER AIDES/PARAPROFESSIONALS

Qualifications ~~and Duties of Paraprofessionals~~

Note: **The following section may be revised to reflect district practice.** Education Code 45330, 45344.5, and 45361.5 require paraprofessionals who will be assigned to assist in instruction to demonstrate proficiency in reading, writing, and mathematics equivalent to or exceeding the proficiency required for high school seniors in the district or, if the district does not maintain high schools, in the high school district that includes all or a portion of the district as specified in Option 1 below for districts maintaining high schools or Option 2 below for elementary school districts. Pursuant to Education Code 45330, the district must ensure that any educational qualifications or proficiency exam established by the district is appropriate to the responsibilities to be assigned to the paraprofessional. **According to the California Department of Education's (CDE) web site, many districts use the California Basic Educational Skills Test (CBEST) for the purpose of determining proficiency of paraprofessionals.**

At its discretion, the district may choose to use the same or a different proficiency exam than that used for Title I paraprofessionals; see "Additional Qualifications and Duties of Paraprofessionals in Title I Programs" below. **The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6319 which contained additional requirements pertaining to the qualifications of paraprofessionals working in programs supported by federal Title I funds and required the principal to attest to the school's compliance. However, 20 USC 6311, as amended by P.L. 114-95, requires that the state plan implementing ESSA include requirements addressing qualifications of such paraprofessionals. According to the CDE, the only requirement applicable to Title I paraprofessionals for the 2016-17 school year is the requirement to demonstrate proficiency on a local proficiency exam. Thus, requirements for Title I paraprofessionals are the same as for all other paraprofessionals.**

OPTION 1: (Districts maintaining high schools)

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for **the district's local** high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

OPTION 2: (Elementary districts)

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the district. (Education Code 45330, 45344.5, 45361.5)

Note: The remainder of this section is for use by all districts.

Attachment O
Use CSBA Sample "As Is"

A paraprofessional who has passed a proficiency test in another district and was employed in
AR 4222(b)

TEACHER AIDES/PARAPROFESSIONALS (continued)

the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Duties

Note: The following section applies to duties of all paraprofessionals and may be expanded to reflect district practice. The repeal of 20 USC 6319 by P.L. 114-95 eliminated additional requirements related to allowable duties that may be assigned to paraprofessionals in Title I programs, as well as the requirement that the principal annually attest to the school's compliance.

~~Instructional aides~~ A paraprofessional shall perform only such duties as, in the judgment of the certificated personnel to whom the ~~instructional aide paraprofessional~~ is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code ~~45330, 45344~~)

(cf. 4112.2 - Certification)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6171 - Title I Programs)

~~Instructional aides~~ Paraprofessionals need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

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Additional Qualifications and Duties of Paraprofessionals in Title I Programs

Note: The following section reflects requirements for districts receiving federal Title I funds. The No Child Left Behind Act of 2001 (NCLB) (20 USC 6319) requires such districts to ensure that paraprofessionals working in a program supported by Title I funds (which includes entire schools with Title I schoolwide programs) meet specified qualifications. Pursuant to 20 USC 6319, districts may use Title I funds for ongoing training and professional development to help paraprofessionals fulfill these qualifications.

All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (Education Code 45330; 20 USC 6319; 34 CFR 200.58; Education Code 45330)

Note: 20 USC 6319, 34 CFR 200.58, and Education Code 45330 establish a deadline of January 8, 2006, for paraprofessionals hired before January 8, 2002, to demonstrate that they have met the requirements in items #1-

Attachment O
Use CSBA Sample "As Is"

3 below. However, in June 2005 the U.S. Department of Education extended this deadline to the end of the 2005-06 school year.

In addition, at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

AR 4222(c)

TEACHER AIDES/PARAPROFESSIONALS (continued)

Note: For the purpose of determining qualifications pursuant to item #1 below, the State Board of Education (SBE) approved a definition of "two years of study" as being 48 semester units or equivalent quarter units. Non-regulatory guidance issued by the U.S. Department of Education in March 2004 indicates that the equivalent of two years of full-time study should be as defined by the institution of higher education, but the guidance is not binding on the SBE.

1. Completion of at least two years of study at an institution of higher education

In accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 48 semester units or equivalent quarter units.

2. Possession of an associate's degree or higher

Note: In June 2003, the SBE decided that the assessment described in item #3 below will be determined locally by the development or selection of an assessment that meets the requirements of NCLB. According to the SBE, the assessment could be a written exam, demonstration, performance, observation, or oral exam. If desired, the district may revise item #3 to specify the assessment that will be used.

3. Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment

Note: Pursuant to Education Code 45330, paraprofessionals hired in California districts on or before January 1, 2003, may already have complied with the federal requirements because, since 1982, state law has required paraprofessionals to be assessed for proficiency in reading, writing, and mathematics skills. However, if the proficiency exam used by the district did not meet the rigor of the NCLB (e.g., if it did not assess the "ability to assist" in instruction), then those paraprofessionals must be assessed on any previously unassessed components.

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

Note: In June 2003, the SBE determined that, in evaluating the qualifications of paraprofessionals who have previously worked in another district, each district may decide whether or not to accept the previous district's assessment results. The following paragraph is **optional**.

Attachment O
Use CSBA Sample "As Is"

~~When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.~~

~~Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)~~

AR 4222(d)

TEACHER AIDES/PARAPROFESSIONALS (continued)

~~1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator.~~

~~2. Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318.~~

~~Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)~~

~~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 with classroom management, such as organizing instructional and other materials~~

~~3. Provide assistance in a computer laboratory~~

~~4. Conduct parental involvement activities~~

~~5. Provide support in a library or media center~~

~~6. Act as a translator~~

~~7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher~~

~~Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)~~

Attachment O
Use CSBA Sample “As Is”

Note: In order to verify compliance with requirements for Title I paraprofessionals, 20 USC 6319 provides that districts must, at a minimum, require the following attestation from principals in schools operating Title I programs pursuant to 20 USC 6314 (schoolwide program) or 20 USC 6315 (targeted assistance school). See E 4222 for sample attestation. If desired, districts may expand the following paragraph to include additional methods of verifying compliance.

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)

AR 4222(e)

TEACHER AIDES/PARAPROFESSIONALS (continued)

Parental Notification

Note: The following paragraph applies to districts that receive Title I funds and may be used or revised by other districts. 20 USC 6312, as amended by P.L. 114-95, contains the following notification requirement formerly in 20 USC 6311.

At the beginning of each school year, parents/guardians shall be notified that he/she they may request information regarding whether his/her their child is provided services by a paraprofessionals and, if so, their the paraprofessional's qualifications. (20 USC 6311-6312)

(cf. 5145.6 - Parental Notifications)