

## When Are Paraprofessionals Required to be Under the Supervision of a Highly Qualified Teacher?

### LAW

NCLB SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

#### g) DUTIES OF PARAPROFESSIONALS-

(1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

#### (2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED-

A paraprofessional described in paragraph (1) may be assigned —

- (A) to 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;
- (B) to assist with classroom management, such as organizing instructional and other materials;
- (C) to provide assistance in a computer laboratory;
- (D) to conduct parental involvement activities;
- (E) to provide support in a library or media center;
- (F) to act as a translator; or

**(G) to provide instructional services to students in accordance with paragraph (3).**

(3) ADDITIONAL LIMITATIONS- A paraprofessional described in paragraph (1) —

**(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119 (Highly Qualified Teacher).**

### GUIDANCE

#### **Title I Paraprofessional Non-Regulatory Guidance states:**

A-2: 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.

Because paraprofessionals provide instructional support, they should not be providing planned direct instruction or introducing to students new skills, concepts, or academic content.

D-1: 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.

**Scenarios:**

- If a paraprofessional assisting in a computer laboratory is providing technical assistance in the operation of the hardware or operation of the software and not instruction, supervision by a highly qualified teacher would not be required.
- If a paraprofessional in a computer lab is proctoring a test that does not require instructional support, then supervision by a highly qualified teacher would not be required.
- If time in a computer lab is a component of a class where students are receiving credit and students are receiving instructional services from the paraprofessional, then the paraprofessional must be working under the supervision of a highly qualified teacher.
- If an online/electronic program is such that it does not require the school to measure attendance or lesson completion for satisfactory progress, then the use of a paraprofessional to proctor the lab would be allowable.
- If the school personnel have regular interaction with students and measure satisfactory student progress and lesson completion throughout the course, then there must be a teacher of record who guides, facilitates and provides instruction, monitors the computer lab, assigns grades and credit, who is highly qualified in each of the core content areas for which students are earning credit.
- Paraprofessionals working with tutor groups with instruction planned by a highly qualified teacher would need to be supervised by a highly qualified teacher.

**Research Based Practices in the Computer Lab:**

If instructional materials are being used, those materials should be tied to the instruction that is occurring in the classroom. If software content is not directly connected to the content in the classroom, what is the research indicating this strategy increases student academic achievement? The research supporting the majority of software programs that have demonstrated increase in student academic achievement include teacher instruction along with interaction with the software.