



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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**Field Memo  
NCLB NYS #02-2002**

December 20, 2002

**To:** District Superintendents of Schools  
Superintendents of Public Schools  
Charter Schools  
Nonpublic School Administrators  
Deans, Directors and Chairs of Teacher Education  
Regional Certification Officers

**From:** Johanna Duncan-Poitier  
Deputy Commissioner  
Office of Higher Education  
Office of the Professions

James A. Kadamus  
Deputy Commissioner  
Office of Elementary, Middle, Secondary  
and Continuing Education

**Subject:** Update on the NCLB's Requirements for Teachers and Paraprofessionals

The U.S. Department of Education (USDOE) has issued final regulations implementing Title I of the No Child Left Behind Act (NCLB). These regulations have the force of law. They are available on USDOE's Web site under the topic of Elementary and Secondary Education at

<http://www.ed.gov/topics/topicsTier2.jsp?top=Policy&type=T&subtop=Regulations>.

The USDOE has also issued non-regulatory, draft guidance on requirements for paraprofessionals in programs funded under Title I, Part A. This guidance does not have the force of law and goes beyond the language of the final Title I regulations. Because the guidance is still in draft, we anticipate that there will be an opportunity for further discussion with the USDOE on its contents, particularly the guidance on tests for paraprofessionals (C-1 through C-6 on pages 6-8) which is of concern to SED. The guidance is available at:

<http://www.ed.gov/offices/OESE/SASA/paraguidance.pdf>.

We will provide updated information about implementing the NCLB's requirements in light of the USDOE's final regulations and final guidance. Until then, please be guided by NCLB NYS Field Memo #01-2002 (available on the NYS Education Department's Web site at: [www.highered.nysed.gov](http://www.highered.nysed.gov)), as well as the two documents noted above.

Please continue to direct questions about the NCLB to [nclbnys@mail.nysed.gov](mailto:nclbnys@mail.nysed.gov).