



**ADDENDUM #1
Field Memo
NCLB NYS #03-2003**

March 17, 2004

To: Charter Schools
Deans, Directors and Chairs of Teacher Education
District Superintendents of Schools
New York State Standards and Practices Board for Teaching
Nonpublic School Administrators
Regional Certification Officers
Superintendents of Public Schools

From: Johanna Duncan-Poitier James A. Kadamus
Deputy Commissioner Deputy Commissioner
Office of Higher Education Office of Elementary, Middle, Secondary
Office of the Professions and Continuing Education

Subject: Addendum to NCLB NYS Field Memo #03-2003

The attached addendum to NCLB NYS Field Memo #03-2003 makes changes to that memo to reflect updated guidance on Title I paraprofessionals issued by the U.S. Department of Education (USDOE) on March 1, 2004 and available online in the "Policy Guidance" category at <http://www.ed.gov/about/offices/list/ose/legislation.html#policy>.

You can find all NCLB NYS field memos about teachers and paraprofessionals at <http://www.highered.nysed.gov>.

Please continue to send your questions about the NCLB to nclbnys@mail.nysed.gov and to send your questions about State certification to tcert@mail.nysed.gov.

ADDENDUM TO NCLB NYS Field Memo #03-2003

The following items are added to NCLB NYS Field Memo #03-2003 in response to non-regulatory guidance entitled *Title I Paraprofessionals* that was issued by the U.S. Department of Education on March 1, 2004.

A12. Do the direct supervision requirements apply to paraprofessionals who provide services under contract?

Yes. Paraprofessionals hired by a third-party contractor to work in a Title I program must work under the direct supervision of a teacher. That teacher does not have to meet the teacher qualification requirements if he/she is also employed by the third party connection. [USDOE, 3/1/04]

B9. May Title I funds be used to pay for the paraprofessional assessment?

Yes. [USDOE, 3/1/04]

C4. May continuing education credits (CECs) be used to meet the requirement that paraprofessionals complete at least two years of study at an institution of higher education?

A State or LEA, as appropriate, may count CECs toward the requirement that a paraprofessional complete at least two years of study at an institution of higher education provided that the CECs are part of an overall training and development program plan and an institution of higher education accepts or translates them to course credits. [USDOE, 3/1/04]

In New York State, each institution of higher education may determine whether to accept continuing education credits or translate them to course credits.

F14. Do the paraprofessional requirements apply to people working in 21st Century Community Learning Center Programs?

In general, the requirements do not apply to individuals working in 21st Century Community Learning Center Programs. However, the requirements would apply to paraprofessionals paid with Title I, Part A funds in a 21st Century after school program funded jointly with Title I funds in a targeted assistance school, and to paraprofessionals working in a 21st Century after school program that is part of a Title I schoolwide program. The requirements do not apply to staff of 21st Century programs who are not employees of the LEA. [USDOE, 3/1/04]

F15. Do the requirements apply to paraprofessionals working in Head Start programs?

In general, the requirements do not apply to paraprofessionals working in a Head Start program. However, the requirements would apply to paraprofessionals working in a Head Start program that is jointly funded with Title I, Part A funds and the paraprofessional is paid with Title I funds; for example, a program where Title I funds the instructional component and Head Start funds the remainder of the program activities. The requirements would also apply when a Head Start program is part of a Title I schoolwide program. [USDOE, 3/1/04]

USDOE Note: Although Head Start funds may not be combined in a Title I schoolwide program school (Federal Register notice of Thursday, September 21, 1995), all staff working in a Title I schoolwide program school are considered Title I staff and all students are Title I students.