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MEMORANDUM

TO: Directors, Title II, Teacher and Principal Training and Recruiting Fund
Directors, Title I, Improving the Academic Achievement of the Disadvantaged

FROM: Kathryn S. Hebda, Bureau of Educator Recruitment, Development and Retention
Mary Jo Butler, Bureau of Student Assistance

DATE: June 5, 2008

SUBJECT: **Technical Assistance for Implementing Title II, Teacher and Principal Training and Recruiting Fund, Section 2141 – Hiring of Additional Paraprofessionals**

Department staff are working together to provide technical assistance regarding implementation of the Title II, Teacher and Principal Training and Recruiting Fund, section 2141. This section of the No Child Left Behind Act applies to Local Educational Agencies (LEAs) that are under sanctions for failing to meet either adequate yearly progress or the annual measurable objectives for the percentage of classes taught by highly qualified teachers during one of the three prior school years. LEAs under this sanction are notified when the Department releases the application for federal entitlement funding that they are required (a) to develop a plan approved by the Department for getting all teachers highly qualified and (b) are restricted from hiring additional paraprofessionals using Title I funds. The plan that LEAs are required to develop with strategies for getting teachers highly qualified is approved annually through the Title II (or consolidated) application process.

This memorandum is to announce revised processes and technical assistance focusing on the restrictions for hiring additional paraprofessionals using Title I funds. We have updated the attached section 2141 Frequently Asked Questions (FAQs) document, posted at <http://www.fldoe.org/profdev/titleii.asp>, to include answers to additional questions received from district staff specifically related to this issue. In addition, to streamline the distribution and monitoring of these funds, the Department has revised the process for LEAs, sanctioned under section 2141, to submit documentation to hire additional paraprofessionals. LEAs planning to hire new paraprofessionals during the school year should submit their documentation for eligibility at the time of applying for federal entitlement funds. A sanctioned LEA that is not planning to hire new paraprofessionals, but that finds this necessary during the course of the school year, should submit appropriate documentation to the Department as soon as the LEA recognizes such a need. In both cases, the method for submitting this documentation is thoroughly discussed in the revised FAQs document attached.

The review and approval of documentation will be coordinated among the Department's Title I and Title II staff during the 2008-09 application process to ensure LEAs receive the assistance needed. If you have questions, please do not hesitate to contact us using the information on the first page of this memorandum.

KSH/MJB/plp

Attachments

**FLORIDA DEPARTMENT OF EDUCATION
SECTION 2141 RESTRICTIONS ON HIRING NEW PARAPROFESSIONALS**

**FREQUENTLY ASKED QUESTIONS
Revised June 2007**

For further answers to possible questions regarding the implementation of 2141, please review the Title I Paraprofessional Non-Regulatory Guidance posted at <http://www.fldoe.org/profdev/titlei.asp> or call your program contact.

1. What are the provisions of section 2141 related to hiring new paraprofessionals with Title I funds?

Section 2141 states that Local Educational Agencies (LEAs) that have:

- failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2); and
- failed to make adequate yearly progress, as described under section 1111(b)(2)(B), for three consecutive years cannot use Title I funds to hire new paraprofessionals.

2. Once the LEA has restrictions under 2141, how long do the sanctions apply?

Once sanctions apply to an LEA, the LEA remains under the sanctions until the LEA either has 100 percent of the teachers highly qualified or achieves adequate yearly progress.

3. Are there exceptions to the restrictions for hiring additional paraprofessionals?

Yes. If one or more of the following conditions can be documented, LEAs may hire additional paraprofessionals.

1. The LEA can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under Title I;
2. The LEA can demonstrate that a significant influx of population has substantially increased student enrollment;
3. The LEA can demonstrate that there is an increased need for translators; or
4. The LEA can demonstrate that there is an increased need for assistance with parental involvement activities.

4. What school year is used to determine the total number of Title I paraprofessionals the LEA may employ?

The year preceding the sanctions is used to determine the number of paraprofessional positions. For example, if the LEA did not meet the requirements in 2006-07, sanctions would have been in effect in 2007-08. Therefore, the 2006-07 school year establishes the number of paraprofessional positions and the LEA would have developed a plan with strategies for getting all teachers highly qualified within the 2007-08 Title II application. Please refer to the attached chart.

5. If an LEA wants to use Title I funds to hire additional paraprofessionals, must the agency submit documentation?

Yes. Documentation needs to be submitted prior to the approval of the 2008-09 application.

6. What documentation is necessary to demonstrate a "significant influx of population"?

Documentation that would support a significant influx may include, but is not limited to, comparison of enrollment rosters from the previous year to the current year or a comparison of enrollment data from surveys 2, 3, or 5 from the previous year to the current year.

**FLORIDA DEPARTMENT OF EDUCATION
SECTION 2141 RESTRICTIONS ON HIRING NEW PARAPROFESSIONALS**

**FREQUENTLY ASKED QUESTIONS
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- 7. What documentation is necessary to demonstrate an "increased need for translators"?**
Documentation may include, but is not limited to, comparison data from the previous year to the current year that demonstrates an increase in the number of non-native English speakers.
- 8. What documentation is necessary to demonstrate an "increased need for assistance with parental involvement"?**
Revisions to the LEA or school parent involvement policies, plans, or survey data that document a need for additional facilitators to support an increased need for assistance with parent involvement activities. Such documentation must be provided to show an increased need for parent involvement facilitators at school sites based on new or newly expanded parent involvement activities and revisions to the current parent involvement program. In addition, a newly created district- or school-level parent involvement center may indicate an increased need for parent involvement facilitators.
- 9. Does the LEA have to submit documentation if Title I funds are used to fill a vacancy created by a paraprofessional departing the position?**
No, these documents will be reviewed through the federal monitoring system conducted annually. The suggested documentation for hiring additional paraprofessionals is a comprehensive list of the paraprofessionals paid with Title I funds from the preceding year and another list to show the proposed current year to verify that a vacancy was filled. For verification of filling vacancies, refer to the attached chart to see which year the LEA must use to establish the number of positions.
- 10. How is compliance monitored?**
Adherence to Section 2141 compliance will be monitored under Title II through the established federal monitoring system.
- 11. Can Title I funds be used to hire new paraprofessionals in newly opened or newly designated Title I schools?**
Yes. If a new paraprofessional position is created in a newly opened or designated Title I school, the LEA would be able to fill that position if the LEA met the criteria. The LEA may hire additional paraprofessionals if documentation provided is approved for one or more of the exceptions listed in question three.
- 12. If, after consultation with a private school, the private school would like to have a part-time paraprofessional provide instructional support services, may Title I funds be used to hire such an individual?**
Yes, if the hiring is to fill a vacancy or meet one or more of the exceptions addressed in above question three.
- 13. What if an LEA encounters the need to hire an additional paraprofessional(s) during the course of the school year after the 2008-09 application has been approved?**
If, at the time of annual application submission, the LEA does not have the need to hire additional paraprofessionals, but discovers the need later in the school year, the LEA may submit documentation for review.

**FLORIDA DEPARTMENT OF EDUCATION
SECTION 2141 RESTRICTIONS ON HIRING NEW PARAPROFESSIONALS**

**FREQUENTLY ASKED QUESTIONS
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14. If an LEA plans to hire additional paraprofessionals under one or more of the exceptions, how should the LEA submit the documentation?

LEAs that plan to hire additional paraprofessionals must submit verification documents via email, fax or hard copy to Peggy Primicerio. The review and approval of documents will be coordinated between the bureaus during the 2008-09 application process. Please submit to:

Peggy L. Primicerio
Florida Department of Education
325 West Gaines Street, Suite 126
Tallahassee, Florida 32399-0400
peggy.primicerio@fldoe.org
850-245-0734 Fax: 850-245-0543

15. Are there requirements for the qualifications of paraprofessionals that are not funded through Title I?

Yes, regardless of funding source, if a paraprofessional is hired in a Title I schoolwide school, the paraprofessional must be highly qualified. In addition, if a paraprofessional is hired in a Title I targeted assistance school and offers instruction to Title I students, the paraprofessional must be highly qualified.

16. Can an LEA still use federal funds to provide professional development activities for paraprofessionals to improve knowledge and classroom practices and/or to help them become highly qualified teachers?

Yes. Both Title I and Title II funds can be used to provide professional development to paraprofessionals to improve their knowledge and classroom practices. Further, if paraprofessionals aspire to become highly qualified teachers, it is allowable to fund activities under Titles I and II that help meet this goal.

17. Can a school hire additional part-time teachers to work with small groups, provided that the teacher meets highly qualified requirements?

Yes, the restriction under 2141 do not apply to the hiring of new, highly qualified teachers.

For further answers to possible questions regarding the implementation of 2141, please review the Title I Paraprofessional Non-Regulatory Guidance posted at <http://www.fldoe.org/profdev/titleii.asp> or call your program contact.

The 18 LEAs highlighted in the chart below DO NOT have to comply with the sanctions described above.

Percentage of Classes Taught by Highly Qualified Teachers by District

State Objective	97.00%	100%	100%	School Year
	2004 - 2005	2005 - 2006	2006-07	Paraprofessionals
LEAs	% Highly Qualified	% Highly Qualified	% Highly Qualified	are capped
ALACHUA	98.3%	97.0%	95.2%	
BAKER	78.1%	83.2%	71.7%	2007-08
BAY	91.4%	87.8%	93.1%	2007-08
BRADFORD	91.1%	83.2%	86.3%	2006-07
BREVARD	98.8%	97.7%	97.3%	
BROWARD	99.4%	100.0%	77.0%	
CALHOUN	86.4%	64.6%	80.8%	2006-07
CHARLOTTE	99.0%	91.9%	93.1%	
CITRUS	80.3%	95.8%	94.2%	2006-07
CLAY	94.3%	93.6%	94.9%	2006-07
COLLIER	97.5%	99.3%	96.1%	
COLUMBIA	87.7%	93.5%	95.1%	2006-07
DADE	93.7%	90.2%	90.6%	2006-07
DESOTO	98.5%	96.4%	86.7%	
DIXIE	85.2%	81.6%	88.8%	2006-07
DUVAL	82.7%	74.0%	86.8%	2006-07
ESCAMBIA	94.8%	89.4%	85.5%	2006-07
FLAGLER	77.9%	93.2%	92.4%	2007-08
FRANKLIN	98.2%	97.5%	100.0%	
GADSDEN	85.9%	85.3%	82.4%	2006-07
GILCHRIST	71.4%	87.6%	80.5%	2006-07
GLADES	84.2%	68.2%	85.1%	2006-07
GULF	91.9%	87.5%	72.9%	2006-07
HAMILTON	73.1%	75.1%	24.4%	2006-07
HARDEE	91.9%	86.3%	87.7%	2006-07
HENDRY	59.9%	68.8%	77.8%	2007-08
HERNANDO	67.9%	97.6%	98.2%	2007-08
HIGHLANDS	87.2%	88.4%	86.4%	2006-07
HILLSBOROUGH	86.8%	84.1%	88.8%	2006-07
HOLMES	97.3%	91.3%	89.7%	
INDIAN RIVER	96.4%	95.2%	93.2%	2006-07
JACKSON	86.8%	82.6%	79.6%	2006-07
JEFFERSON	95.1%	92.8%	100.0*%	
LAFAYETTE	98.4%	94.0%	82.4%	
LAKE	94.3%	94.8%	87.0%	2006-07
LEE	91.3%	89.2%	92.2%	2006-07
LEON	93.1%	81.7%	92.5%	
LEVY	94.2%	92.6%	93.1%	2007-08
LIBERTY	53.4%	53.4%	60.9%	2006-07
MADISON	88.9%	76.3%	82.9%	2007-08
MANATEE	95.0%	82.5%	92.9%	2006-07
MARION	88.3%	79.1%	86.4%	2006-07
MARTIN	87.5%	94.9%	92.4%	2006-07
MONROE	66.3%	81.3%	86.0%	2006-07
NASSAU	80.2%	82.6%	89.9%	2006-07

State Objective	97.00%	100%	100%	School Year
	2004 - 2005	2005 - 2006	2006-07	Paraprofessionals
LEAs	% Highly Qualified	% Highly Qualified	% Highly Qualified	are capped
OKALOOSA	97.6%	93.2%	91.7%	
OKEECHOBEE	73.8%	70.9%	69.5%	2006-07
ORANGE	88.0%	77.4%	89.5%	2006-07
OSCEOLA	95.2%	96.8%	92.9%	2006-07
PALM BEACH	95.9%	85.0%	93.9%	2007-08
PASCO	92.4%	94.2%	92.6%	2007-08
PINELLAS	92.6%	94.3%	97.1%	2006-07
POLK	84.9%	83.9%	88.7%	2006-07
PUTNAM	81.2%	69.3%	77.7%	2006-07
ST. JOHNS	87.8%	81.3%	96.3%	2006-07
ST. LUCIE	90.9%	87.6%	80.8%	2006-07
SANTA ROSA	68.3%	88.7%	95.1%	2007-08
SARASOTA	96.5%	88.8%	93.7%	2007-08
SEMINOLE	94.5%	92.9%	97.2%	2006-07
SUMTER	84.0%	85.4%	90.7%	2006-07
SUWANNEE	99.2%	98.1%	96.6%	
TAYLOR	85.9%	95.1%	94.1%	2007-08
UNION	97.0%	92.5%	84.4%	
VOLUSIA	92.9%	90.2%	93.7%	2006-07
WAKULLA	96.4%	98.3%	96.5%	2007-08
WALTON	91.8%	92.1%	92.7%	2006-07
WASHINGTON	95.4%	96.6%	97.8%	2006-07
DEAF/BLIND	100.0%	89.6%	92.1%	
DOZIER/OKEEC	66.0%	No Data	75.5%	2006-07
ECKERD	100.0%	No Data	100.0%	
FAU LAB SCHOOL	98.1%	No Data	98.3%	
FSU LAB SCH	86.4%	No Data	99.5%	
FAMU LAB SCH	95.9%	No Data	68.9%	2007-08
UF LAB SCH	94.0%	No Data	97.2%	2007-08
STATE	92.4%	88.2%	97.2%	