

R277-324 received final approval by the Utah State Board of Education on September 2, 2021. R277-324 will be or was published in the October 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 8, 2021.

**R277. Education, Administration.**

**R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications.**

**R277-324-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board;

(b) Subsection 53E-3-401(4), which gives the Board authority to adopt rules in accordance with its responsibilities; ~~and~~

(c) Subsection 53E-3-501(1)(a)(i), which requires the Board to establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services; and

(d) Subsection 53F-2-411(4), which requires the Board to establish a rule that creates the funding distribution for money appropriated to paraeducator programs.

(2) The purpose of this rule is to:

(a) designate appropriate assignments of paraprofessionals and qualifications for paraprofessionals;

(b) establish the formula for distribution of Paraeducator funding under Section 53F-2-411 to eligible schools; and

(c) provide minimum standards for use of funds and reporting requirements.

**R277-324-2. Definitions.**

~~[(1) "Direct supervision of a licensed teacher" means:~~

~~—(a) the teacher prepares the lesson and plans the instruction support activities the paraprofessional carries out, and the teacher evaluates the achievement of the students with whom the paraprofessional works; and~~

~~—(b) the paraprofessional works in close and frequent proximity with the teacher.]~~

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([2]1) "Eligible school," means the same as the term is defined in Subsection 53F-2-411(1)(a).

([3]2) "Paraeducator funding" means supplemental state funding provided under Section 53F-2-411 to Title I schools identified as in need of improvement under the Elementary and Secondary Education Act (ESEA), Title IX, Part A, 20 U.S.C. 7801 to hire additional paraeducators to assist students in achieving academic success.

([4]3) "Paraprofessional" or "paraeducator" means the same as the term is defined in Subsection 53F-2-411(1)(b).

(4) "Paraprofessional training" means professional development consistent with or using information provided in this rule and the Utah Standards for Instructional Paraeducators.

### **R277-324-3. Incorporation by Reference of Utah Standards for Instructional Paraeducators.**

(1) This rule incorporates by reference the Utah Standards for Instructional Paraeducators.

(2) A copy of the Utah Standards for Instructional Paraeducators is available at:

(a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>; and

(b) the offices of the Utah State Board of Education, 250 E. 500 So., Salt Lake City, Utah, 84111.

### **R277-324-[3]4. Appropriate Assignments or Duties for Paraprofessionals.**

(1) A [Paraprofessionals]paraprofessional may:

([4]a) upon completion of explicit training from appropriately licensed teachers or related service providers, provide individual or small group instructional assistance or tutoring to students [under the direct supervision of]as designed by an appropriately licensed teacher or related service provider during times when students would not otherwise [be

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~~receiving~~receive instruction from an appropriately licensed teacher or related service provider;

~~(2)~~b) assist with classroom organization and management, such as organizing instructional or other materials;

~~(3)~~c) provide assistance ~~[in computer laboratories]~~with supplementary aids and services, program modifications, and support, such as assistive technology devices and services;

~~(4)~~d) conduct parental involvement activities;

~~(5)~~e) provide support in library or media centers; or

~~— (6) act as translators; or~~

~~(7)~~f) provide supervision for students in non-instructional settings.

(2) A paraprofessional may not:

(a) be responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments if the paraprofessional's training, licensure, or other forms of certification do not align with the administration and interpretation requirements stated in an instrument's technical manual;

(b) be responsible for selecting programming or prescribing educational activities or materials for the students without the supervision and guidance of an appropriately licensed teacher or related service provider;

(c) be solely responsible for designing lesson plans;

(d) be assigned to implement elements of an IEP for a student with disabilities without direct training, supervision, and involvement from an appropriately licensed teacher or related service provider;

(e) employed to fulfill the responsibilities that may only be provided by an appropriately licensed and otherwise qualified teacher or related service provider; or

(f) perform nursing procedures or administer medications without appropriate supervision and training from an appropriately licensed health care professional.

(3) A licensed teacher shall:

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(a) prepare a lesson and plan the instruction support activities to be carried out by a paraprofessional;

(b) evaluate the achievement of the students with whom a paraprofessional works;  
and

(c) the supervision and support to the paraprofessional that the teacher deems appropriate for the paraprofessional to work effectively in the paraprofessional's role and responsibilities.

(4) If a paraeducator is working in a special education program, the LEA shall appropriately train the special education teacher to supervise and direct the work of the paraeducator in the paraeducator's assigned roles and responsibilities.

(5) An LEA that employs a paraprofessional shall establish and maintain documentation of training provided by the LEA as required in:

(a) Subsection (1)(a); and

(b) for an paraprofessional who works with a student with a disability, Utah State Board of Education Special Education Rules Section IX.E, incorporated by reference into R277-750.

**R277-324-[4]5. Requirements for Paraprofessionals in Title I Schoolwide and Targeted Assistance Programs.**

(1) A paraprofessional~~[Paraprofessionals]~~ hired before January 6, 2002 who function under Subsection R277-504-3(1), and work in Title I schoolwide and targeted assistance programs supported by Title I funds shall be a high school graduate or equivalent and shall meet at least one of the following requirements:

(a) complete at least two years, or a ~~[a]~~ minimum of 48 semester hours,~~]~~ at an accredited higher education institution;

(b) obtain an associates, ~~[or higher]~~, degree from an accredited higher education institution; or

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(c) satisfy a rigorous state assessment, approved by the Board or LEA governing board, that demonstrates:

(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

(2) A paraprofessional~~[Paraprofessionals]~~ hired after January 6, 2002 in Title I schoolwide and targeted assistance programs supported by Title I funds shall be a high school graduate or equivalent and shall meet at least one of the following requirements:

(a) ~~[earn a secondary school diploma or a recognized equivalent;~~

~~—(b)—~~complete at least two years, or a ~~[(minimum of 48 semester hours,)]~~ at an accredited higher education institution;

~~[(e)b]~~ obtain an associates, ~~[(or higher,)]~~ degree from an accredited higher education institution; or

~~[(e)c]~~ ~~[has—]~~satisfy a rigorous state or local assessment about the individual's knowledge of an ability to assist students in core courses under state or federal law.

(3) The individual shall satisfactorily complete a criminal background check consistent with Section 53G-11-402 and Rule R277-516.

### **R277-324-[5]6. [Variances]Exceptions in Title I Schoolwide and Targeted Assistance Programs.**

The ~~[provisions of this rule]~~requirements in Section R277-324-4 do not apply to a paraprofessional with a high school diploma or equivalent solely providing:

(1) ~~[a paraprofessional who is proficient in English and a language other than English who provides]~~support through translator services;~~[-or]~~

(2) ~~[a paraprofessional who is involved as a parent or similar responsibilities.]~~support as a parent engagement liaison; or

~~\_\_\_\_\_~~ (3) personal care for students with disabilities.

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**R277-324-[6]7. Use of Funds.**

An LEA may use Title I funds in addition to other funds available and identified by the LEA to support ongoing training and professional development for paraprofessionals.

**R277-324-[7]8. Funding Distribution.**

(1) The Superintendent shall divide the funds provided under Section 53F-2-411 equally to ~~eligible~~ schools identified as comprehensive support and improvement schools.

(2) A school may only use funds distributed in accordance with Subsection (1) to hire high quality paraeducators to assist with reading instruction.

**R277-324-[8]9. Responsibilities of Eligible Schools Receiving Paraeducator Funding.**

(1) A paraeducator hired with paraeducator funding shall:

(a) meet the qualifications described in Section R277-324-[4]5; and

(b) provide[s] additional aid in the classroom to assist students in achieving academic success.

~~(2) Schools accepting these funds shall provide an annual report as directed by the Superintendent that includes the following:~~

~~(a) the number of paraeducators hired with program money;~~

~~(b) school funding, in addition to funds provided under this rule, the school used to supplement program money to hire paraeducators; and~~

~~(c) accountability measures, including student test scores and other student assessment elements for students served by the program.]~~

**KEY: paraprofessional qualifications**

**Date of Last Change: 2021[~~January 22, 2020~~]**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(a)(i); 53F-2-411(4)**