

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

7 (b) Subsection [53E-3-401\(4\)](#), which gives the Board authority to adopt rules in  
8 accordance with its responsibilities; and

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

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

14 (2) The purpose of this rule is to:

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

17 (b) establish the formula for distribution of Paraeducator funding under Section [53F-2-](#)  
18 [411](#) to eligible schools; and

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

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

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

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

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

26 (2) "Eligible school," means the same as the term is defined in Subsection [53F-2-](#)  
27 [411\(1\)\(a\)](#).

28 (3) "Paraeducator funding" means supplemental state funding provided under Section  
29 53F-2-411 to Title I schools identified as in need of improvement under the Elementary and  
30 Secondary Education Act (ESEA), Title IX, Part A, 20 U.S.C. 7801 to hire additional  
31 paraeducators to assist students in achieving academic success.

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

34 **R277-324-3. Appropriate Assignments or Duties for Paraprofessionals.**

35 (1) A ~~[Paraprofessionals]~~ paraprofessional may:

36 ~~[(1)a]~~ upon completion of ~~[directed]~~ explicit training from appropriately licensed  
37 ~~[educators]~~ teachers or related service providers, provide individual or small group assistance  
38 or tutoring to students under the direct supervision of an appropriately licensed teacher or  
39 related service provider during times when students would not otherwise ~~[be receiving]~~ receive  
40 instruction from an appropriately licensed teacher or related service provider;

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

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

46 ~~[(4)d]~~ conduct parental involvement activities;

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

48 ~~[(6) act as translators; or]~~

49 ~~[(7)g]~~ provide supervision for students in non-instructional settings.

50 (2) A paraprofessional may not:

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

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

58 (c) be solely responsible for preparing lesson plans or initiating original concept  
59 instruction;

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

63 (e) ~~[be employed in lieu of an appropriately licensed teacher [educator] or related~~  
64 ~~service provider]~~ be employed to fulfill the responsibilities of an available appropriately licensed  
65 teacher or related service provider; or

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

68 (3) A licensed teacher shall:

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

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

72 (c) ~~[work in close and frequent proximity with a paraprofessional]~~ provide the  
73 supervision and support to the paraprofessional that the teacher deems appropriate for the  
74 paraprofessional to work effectively in the paraprofessional's role and responsibilities.

75 **R277-324-4. Requirements for Paraprofessionals in Title I Schoolwide and Targeted**  
76 **Assistance Programs.**

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

81 (a) complete at least two years (minimum of 48 semester hours) at an accredited  
82 higher education institution;

83 (b) obtain an associates (or higher) degree from an accredited higher education  
84 institution; or

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

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

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

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

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

95 ~~—(b)—~~complete at least two years (minimum of 48 semester hours) at an accredited  
96 higher education institution;

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

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

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

103 **R277-324-5. [Variances] Exceptions in Title I Schoolwide and Targeted Assitance**  
104 **Programs.**

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

- 107 (1) ~~[a paraprofessional who is proficient in English and a language other than English~~  
108 ~~who provides]~~ support through translator services; [or]  
109 (2) ~~[a paraprofessional who is involved as a parent or similar responsibilities:]~~ support  
110 as a parent engagement liaison; or  
111 (3) personal care for students with disabilities.

112 **R277-324-6. Use of Funds.**

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

115 **R277-324-7. Funding Distribution.**

- 116 (1) The Superintendent shall divide the funds provided under Section [53F-2-411](#) equally  
117 to ~~[eligible]~~ schools identified as comprehensive support and improvement schools.  
118 (2) A school may only use funds distributed in accordance with Subsection (1) to hire  
119 high quality paraeducators to assist with reading instruction.

120 **R277-324-8. Responsibilities of Eligible Schools Receiving Paraeducator Funding.**

- 121 ~~[(4)]~~ A paraeducator hired with paraeducator funding shall:  
122 ~~[(a)]~~1) meet the qualifications described in Section R277-324-4; and  
123 ~~[(b)]~~2) provide[s] additional aid in the classroom to assist students in achieving  
124 academic success.  
125 ~~[(2)]~~ Schools accepting these funds shall provide an annual report as directed by the  
126 Superintendent that includes the following:  
127 ———(a) the number of paraeducators hired with program money;  
128 ———(b) school funding, in addition to funds provided under this rule, the school used to  
129 supplement program money to hire paraeducators; and  
130 ———(c) accountability measures, including student test scores and other student  
131 assessment elements for students served by the program.]

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Draft 3 - [New Text - Green](#) | ~~[Deleted Text]~~ - Purple

**Draft 3**  
August 6, 2021

- 132 **KEY: paraprofessional qualifications**
- 133 **Date of Enactment or Last Substantive Amendment: January 22, 2020**
- 134 **Notice of Continuation: March 14, 2019**
- 135 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53E-3-401\(4\)](#); [53E-3-](#)**
- 136 **[501\(1\)\(a\)\(i\)](#); [53F-2-411\(4\)](#)**