

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.]~~

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

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

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

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

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

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

44 **R277-324-~~3~~4. Appropriate Assignments or Duties for Paraprofessionals.**

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

46 (~~[1]~~a) upon completion of ~~[directed]~~ explicit training from appropriately licensed
47 ~~[educators]~~ teachers or related service providers, provide individual or small group instructional
48 assistance or tutoring to students ~~[under the direct supervision of]~~ as designed by an
49 appropriately licensed teacher or related service provider during times when students would

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50 not otherwise ~~[be receiving]~~ receive instruction from an appropriately licensed teacher or
51 related service provider;

52 ([2]b) assist with classroom organization and management, such as organizing
53 instructional or other materials;

54 ([3]c) provide assistance ~~[in computer laboratories]~~ with supplementary aids and
55 services, program modifications, and support, such as assistive technology devices and
56 services;

57 ([4]d) conduct parental involvement activities;

58 ([5]e) provide support in library or media centers; or

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

60 ([7]g) provide supervision for students in non-instructional settings.

61 (2) A paraprofessional may not:

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

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

69 (c) be solely responsible for ~~[preparing]~~ designing lesson plans ~~[or initiating original~~
70 concept instruction];

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

74 (e) ~~[be employed in lieu of an appropriately licensed teacher [educator] or related~~
75 ~~service provider]~~ be employed to fulfill the responsibilities ~~[of an available]~~ that may only be

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76 provided by an appropriately licensed and otherwise qualified teacher or related service
77 provider; or

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

80 (3) A licensed teacher shall:

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

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

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

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

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

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

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

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

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

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

103 (b) obtain an associates (or higher) degree from an accredited higher education
104 institution; or

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

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

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

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

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

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

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

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

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

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

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

- 127 (1) ~~[a paraprofessional who is proficient in English and a language other than English~~
128 ~~who provides]~~ support through translator services; [or]
129 (2) ~~[a paraprofessional who is involved as a parent or similar responsibilities.]~~ support
130 as a parent engagement liaison; or
131 (3) personal care for students with disabilities.

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

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

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

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

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

- 141 (1) A paraeducator hired with paraeducator funding shall:
142 (a) meet the qualifications described in Section R277-324-[4]5; and
143 (b) provide[s] additional aid in the classroom to assist students in achieving academic
144 success.
145 ~~[(2) Schools accepting these funds shall provide an annual report as directed by the~~
146 ~~Superintendent that includes the following:~~
147 ~~—— (a) the number of paraeducators hired with program money;~~
148 ~~—— (b) school funding, in addition to funds provided under this rule, the school used to~~
149 ~~supplement program money to hire paraeducators; and~~

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

152 **KEY: paraprofessional qualifications**

153 **Date of Enactment or Last Substantive Amendment: January 22, 2020**

154 **Notice of Continuation: March 14, 2019**

155 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53E-3-401\(4\)](#); [53E-3-](#)**
156 **[501\(1\)\(a\)\(i\)](#); [53F-2-411\(4\)](#)**