

**UNITED STATES DEPARTMENT OF EDUCATION**  
**[TEACHER AND PARAPROFESSIONAL QUALIFICATIONS]**



**TO:** State Directors of Migrant Education  
**FROM:** Francisco Garcia, Director  
 Office of Migrant Education  
**SUBJECT:** New Teacher and Paraprofessional Qualification Requirements  
**DATE:** Sept. 9, 2003

The No Child Left Behind Act (NCLB Act), enacted on January 8, 2002, reauthorized the Elementary and Secondary Education Act (ESEA) and introduced many changes designed to improve student achievement. One of the key changes is the new teacher and paraprofessional qualification requirements in Section 1119 of Title I, Part A. I am writing to explain how these new requirements affect teachers and paraprofessionals paid with Migrant Education Program (MEP) funds.

The Department has issued final Title I regulations (34 CFR 200.55 through 200.59) and draft non-regulatory guidance regarding the teacher and paraprofessional qualifications. These documents are available on the Department's website at <http://www.ed.gov/legislation/FedRegister/finrule/2002-4/120202a.html> and <http://www.ed.gov/offices/OESE/SASA/paraguidance.doc>, respectively.

Newly hired MEP-funded teachers working in Title I, Part A targeted assistance schools have until the end of the 2005-2006 school year to meet the highly qualified teacher requirements, unless they are paid in part with Title I, Part A funds (see section 200.55(a)(2)(i) of the regulations), in which case they must meet the requirements upon being hired. Currently employed MEP-funded teachers working in Title I, Part A targeted assistance schools have until the end of the 2005-2006 to meet the highly qualified teacher requirements. Similarly, according to section 200.58(a)(3)(i), qualification requirements do not apply to any MEP-funded paraprofessional who works in a Title I, Part A targeted assistance school unless the individual is paid in part with Title I, Part A funds. However, any teacher or paraprofessional who works in a Title I, Part A schoolwide program school must meet these qualification requirements, regardless of the source of funding for the position. (See sections 200.55(a)(2)(ii) and 200.58(a)(3)(ii) of the regulations.) (Note: The Department does not consider a local educational agency's (LEA's) use of school facilities for activities that are outside of the school's own program to be part of the schoolwide program.)

The statute requires each State and LEA that receives Title I, Part A funds to ensure that new teachers hired after the enactment of the statute are highly qualified and that *all* teachers (regardless of hiring date or funding source) are highly qualified by the end of the 2005-2006 school year. (See sections 1119(a)(2) and (a)(3) of the statute.) According to sections 200.55(b)(2) and 200.55(c) of the regulations, this provision applies only to teachers who teach "core academic subjects," i.e., English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. Therefore, by the end of the 2005-2006 school year, all MEP-funded teachers who teach these subjects must be highly qualified, regardless of whether they teach in a targeted assistance school, a schoolwide program school, or in a school that does not receive Title I, Part A assistance.

In addition, the paraprofessional qualification requirements only apply to individuals who provide instructional support. According to section 200.59(b) of the regulations, instructional support duties include: one-on-one tutoring, assisting in classroom management, assisting in computer instruction, conducting parent involvement activities, providing instructional support in a library or media center, acting as a translator, and providing instructional support services. A paraprofessional does not need to meet the qualification requirements in section 200.58(c) or (d) of the regulations if the paraprofessional is proficient in English and a language other than English and he or she acts as a translator to enhance the participation of limited English proficient children under subpart A of Title I, or if the paraprofessional has instructional-support duties that consist solely of conducting parental involvement activities. (See section 200.58(e) of the regulations.) Such individuals, however, must have a secondary diploma or its equivalent.

I hope this information is helpful. If you have any questions, please contact your state program officer. I appreciate your continued effort to implement the MEP consistent with the important requirements of the NCLB Act.

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