

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (New Regulation)

5 704 KAR 3:550. Minimum qualifications for paraprofessionals.

6 RELATES TO: 20 U.S.C. 6319(c), KRS 161.044, 161.011

7 STATUTORY AUTHORITY: KRS 161.044

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.044 requires the Kentucky Board of  
9 Education to promulgate administrative regulations governing the qualifications of teachers' aides  
10 in the common schools. The Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6319(c), outlines  
11 the minimum requirements for paraprofessionals in schools receiving Title I funds. This  
12 administrative regulation establishes the minimum qualifications for teachers' aides and  
13 paraprofessionals in the common schools.

14 Section 1. Definitions.

15 (1) "Classified employee" means the same as in KRS 161.011.

16 (2) "Paraprofessional" means a classified employee, regardless of school district-assigned job  
17 title, who performs instructional support duties which may include:

18 (a) providing one-on-one tutoring if such tutoring is scheduled at a time when a student would  
19 not otherwise receive instruction from a teacher;

20 (b) assisting with classroom management;

- 1 (c) providing instructional assistance in a computer laboratory;
- 2 (d) providing instructional support in a library or media center;
- 3 (e) acting as a translator; or
- 4 (f) providing instructional support services under the direct supervision of a teacher.

5 Section 2. Minimum qualifications for a paraprofessional.

6 (1) To qualify for a position as a paraprofessional in the common schools, an individual shall  
7 possess knowledge of basic subjects taught in the common schools, including arithmetic,  
8 grammar, spelling, language, and reading.

9 (2) Possession of the knowledge required in subsection one (1) of this section shall be  
10 demonstrated by the successful completion of a high school diploma or a high school  
11 equivalency diploma.

12 Section 3. Minimum qualifications for paraprofessionals in Title I schools.

13 (1) To qualify for a position as a paraprofessional in a school that receives funding under Title I  
14 of the Elementary and Secondary Education Act of 1965, or its successor, an individual shall  
15 meet the requirements of Section 2 of this regulation, and shall possess :

- 16 (a) two years of study at an institution of higher education;
- 17 (b) an associate's degree; or
- 18 (c) a passing score on the state assessment required by Section 5 of this regulation.

19 (2) Paraprofessionals who only serve as translators or who only conduct parental involvement  
20 activities are exempt from the requirements of this section.

21 Section 4. Local education agency flexibility.

22 (1) Local education agencies may add required qualifications in addition to those set forth in this  
23 regulation for paraprofessional roles.

1 (2) Local education agencies shall adopt and implement policies to ensure that any classified  
2 employee that meets the definition of a paraprofessional in Section One of this regulation meets  
3 the minimum qualification requirements of this regulation regardless of locally created job titles.

4 Section 5. Criteria for the statewide paraprofessional assessment.

5 (1) The Kentucky Department of Education shall make available a standardized paraprofessional  
6 assessment that evaluates an individual's knowledge of:

7 (a) Correct oral and written usage of English;

8 (b) Child guidance principles and practices;

9 (c) Classroom procedures and conduct;

10 (d) Basic instructional techniques;

11 (e) School and classroom rules, policies and procedures;

12 (f) Safe practices in classroom activities;

13 (g) Reading and writing communication skills;

14 (h) Interpersonal skills using tact, patience and courtesy; and

15 (i) Record-keeping techniques.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Robin Kinney  
Interim Commissioner of Education

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Sharon Porter Robinson, Chairperson  
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on \_\_\_\_, 2021, at \_\_\_\_\_ a.m./p.m. in the State Board Room, 5<sup>th</sup> Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through \_\_\_\_\_.

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5<sup>th</sup> Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

704 KAR 3:550

Contact Person: Todd Allen

Phone: 502-564-4474

Email: regcomments@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes minimum criteria for teachers' aides and paraprofessionals as required by 161.044.

(b) The necessity of this administrative regulation:

This regulation is required by KRS 161.044.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 161.044 requires the Kentucky Board of Education to promulgate regulations containing the minimum criteria for teachers aides, more commonly called paraprofessionals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation will clarify the minimum requirements for paraprofessionals and clarify when more stringent requirements and district flexibilities are applicable.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This is not an amendment to an existing regulation.

(b) The necessity of the amendment to this administrative regulation:

This is not an amendment to an existing regulation.

(c) How the amendment conforms to the content of the authorizing statutes:

This is not an amendment to an existing regulation.

(d) How the amendment will assist in the effective administration of the statutes:

This is not an amendment to an existing regulation.

- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This regulation affects local education agencies.

- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Local education agencies may have to update job requirements for paraprofessionals. Most local education agencies are already in compliance with this regulation and will not be required to take any further action.

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This regulation will not generate any additional costs for local education agencies.

- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Local education agencies will be in compliance with state and federal law with regards to the minimum requirements for paraprofessionals.

- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

- (a) Initially:

This regulation results in no additional costs.

- (b) On a continuing basis:

This regulation results in no continuing costs.

- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

This regulation does not require funding for implementation or enforcement.

- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

This regulation will not require the assessment of fees.

- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish any fees.

- (9) TIERING: Is tiering applied?

Tiering is not applied. The regulation applies equally to all school districts regardless of size. No disproportionate impact will result.



## FISCAL IMPACT STATEMENT

704 KAR 3:550

Contact Person: Todd Allen

Phone: 502-564-4474

Email: regcomments@education.ky.gov

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

20 U.S.C. 6319(c), KRS 161.044, 161.011

- (2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Department of Education; Office of Continuous Improvement and Support

- (a) Estimate the following for the first year:

Expenditures: \$0.00

Revenues: \$0.00

Cost Savings: \$0.00

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?

This regulation does not result in any new expenditures, revenues, or cost savings.

- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local Education Agencies

- (a) Estimate the following for the first year:

Expenditures: \$0.00

Revenues: \$0.00

Cost Savings: \$0.00

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?

This regulation does not result in any new expenditures, revenues, or cost savings.

- (4) Identify additional regulated entities not listed in questions (2) or (3):

This regulation does not impact any additional regulated entities.

- (a) Estimate the following for the first year:

Expenditures: \$0.00

Revenues: \$0.00

Cost Savings: \$0.00

- (b) How will expenditures, revenues, or cost savings differ in subsequent years?

This regulation does not result in any new expenditures, revenues, or cost savings.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact:

This regulation does not result in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This regulation will not have an overall negative or adverse economic impact on any identified entities.

(b) The methodology and resources used to reach this conclusion:

This regulation will not have an overall negative or adverse economic impact on any identified entities.

## FEDERAL MANDATE ANALYSIS COMPARISON

704 KAR 3:550

Contact Person: Todd Allen

Phone: 502-564-4474

Email: regcomments@education.ky.gov

- (1) Federal statute or regulation constituting the federal mandate.

This regulation has been written to conform to 20 U.S.C. 6319(c), which established minimum federal requirements for paraprofessionals.

- (2) State compliance standards.

This regulation complies with the requirements of KRS 161.044.

- (3) Minimum or uniform standards contained in the federal mandate.

20 U.S.C. 6319(c) requires paraprofessionals employed in schools receiving Title I funds to have two years of higher education, or an earned associates degree, or have passed a state approved competency exam.

- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This regulation does not impose stricter or additional requirements than those required by the federal mandate.

- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

This regulation does not impose stricter or additional requirements than those required by the federal mandate.