

109TH CONGRESS
1ST SESSION

H. R. 826

To authorize the appropriation of funds to be used to recruit, hire, and train 100,000 new classroom paraprofessionals in order to improve educational achievement for children.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. SERRANO introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To authorize the appropriation of funds to be used to recruit, hire, and train 100,000 new classroom paraprofessionals in order to improve educational achievement for children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) Paraprofessionals are not substitutes for
6 certified teachers.

7 (2) Small class size is fundamental to all learn-
8 ing, but particularly in the early grades.

1 (3) Putting more adults in the classroom helps
2 to increase the attention paid to each student and to
3 improve discipline.

4 (4) Expanding the availability of entry-level
5 classroom jobs that include opportunities for train-
6 ing and professional development should encourage
7 more adults to enter teacher training and careers in
8 education.

9 **SEC. 2. FUNDS FOR RECRUITING, HIRING, AND TRAINING**
10 **PARAPROFESSIONALS.**

11 (a) STATE ALLOCATIONS.—From the amount appro-
12 priated to carry out this Act for each fiscal year, the Sec-
13 retary of Education—

14 (1) shall make available 1 percent of such
15 amount to the Secretary of the Interior (on behalf
16 of the Bureau of Indian Affairs) and the outlying
17 areas for activities under this Act; and

18 (2) shall allocate the remainder by providing
19 each State the same percentage of that remainder as
20 it received of the funds allocated to States under
21 section 306(a)(2) of the Departments of Labor,
22 Health and Human Services, and Education, and
23 Related Agencies Appropriations Act, 2001, as en-
24 acted by section 1(a)(1) of Public Law 106–554.

1 (b) LOCAL AGENCY ALLOCATIONS.—Each State that
2 receives funds under this Act shall distribute 100 percent
3 of such funds to local educational agencies, of which—

4 (1) 80 percent of such amount shall be allo-
5 cated to local educational agencies in proportion to
6 the number of children, aged 5 to 17, who reside in
7 the school district served by a local educational
8 agency from families with incomes below the poverty
9 line (as defined by the Office of Management and
10 Budget and revised annually in accordance with sec-
11 tion 673(2) of the Community Services Block Grant
12 Act (42 U.S.C. 9902(2))) applicable to a family of
13 the size involved for the most recent fiscal year for
14 which satisfactory data are available compared to
15 the number of such individuals who reside in the
16 school districts served by all the local educational
17 agencies in the State for that fiscal year; and

18 (2) 20 percent of such amount shall be allo-
19 cated to local educational agencies in accordance
20 with the relative enrollments of children, aged 5 to
21 17, in public and private nonprofit elementary and
22 secondary schools within the boundaries of such
23 agencies.

24 (c) USES OF FUNDS.—

1 (1) PURPOSE.—The basic purpose and intent of
2 this Act is to decrease the ratio of students to per-
3 sonnel in public elementary and secondary school
4 classrooms by assisting local educational agencies in
5 the recruitment, hiring, and training of 100,000 new
6 classroom paraprofessionals. Each local educational
7 agency that receives funds under this Act shall use
8 such funds to carry out effective approaches to
9 achieving such ratio reductions in order to improve
10 educational achievement for both regular and special
11 needs children, with particular consideration given to
12 making such reductions in the early elementary
13 grades.

14 (2) RECRUITMENT, HIRING, AND TRAINING.—

15 (A) IN GENERAL.—Each local educational
16 agency that receives funds under this Act—

17 (i) may use up to 100 percent of the
18 funds under this Act for recruiting (includ-
19 ing through the use of signing bonuses and
20 other financial incentives), hiring, and
21 training paraprofessionals to assist teach-
22 ers, including teachers employed in bilin-
23 gual education, special education, and mi-
24 grant education; and

1 (ii) may use up to 25 percent of the
2 funds under this Act—

3 (I) for providing professional de-
4 velopment (which may include such
5 activities as those described in section
6 2210 of the Elementary and Sec-
7 ondary Education Act of 1965 (as in
8 effect on the day before the date of
9 the enactment of the No Child Left
10 Behind Act of 2001 (Pub. L. 107–
11 110; 115 Stat. 1425)), opportunities
12 for paraprofessionals to attend multi-
13 week institutes, such as those made
14 available during the summer months,
15 that provide intensive professional de-
16 velopment in partnership with local
17 educational agencies, and initiatives
18 that promote retention and men-
19 toring), to paraprofessionals, includ-
20 ing paraprofessionals who assist
21 teachers employed in bilingual edu-
22 cation, special education, and migrant
23 education; or

24 (II) to provide assistance to new
25 and existing paraprofessionals to en-

1 sure that such individuals are highly
2 qualified consistent with the require-
3 ments of subsections (c) and (d) of
4 section 1119 of the Elementary and
5 Secondary Education Act of 1965 (20
6 U.S.C. 6319).

7 (B) SPECIAL RULE.—In the case of a local
8 educational agency that has already reduced the
9 ratio of students to instructional personnel in
10 grades kindergarten through 3 to 18 or less (or
11 has already reduced such ratio to a State or
12 local goal that was in effect on the day before
13 the enactment of the Departments of Labor,
14 Health and Human Services, and Education,
15 and Related Agencies Appropriations Act, 2001
16 (Pub. L. 106–554; 114 Stat. 2763), if that
17 State or local educational agency goal is 20 or
18 less) may use 100 percent of the funds received
19 under this Act—

20 (i) to make further student-to-per-
21 sonnel ratio reductions in grades kinder-
22 garten through 3;

23 (ii) to reduce the student-to-personnel
24 ratio in other grades;

1 (iii) to carry out activities to improve
2 paraprofessional quality, including profes-
3 sional development; or

4 (iv) to assist paraprofessionals to ob-
5 tain the education necessary to become li-
6 censed and certified teachers.

7 (3) SUPPLEMENT, NOT SUPPLANT.—Each local
8 educational agency that receives funds under this
9 Act shall use such funds only to supplement, and not
10 to supplant, State and local funds that, in the ab-
11 sence of funds under this Act, would otherwise be
12 spent for activities under this Act.

13 (4) LIMITATION.—No funds made available
14 under this Act may be used to increase the salaries
15 or provide benefits, other than participation in pro-
16 fessional development, education, or enrichment pro-
17 grams, to paraprofessionals who are not hired under
18 this Act.

19 (d) REPORTING.—

20 (1) IN GENERAL.—Each State receiving funds
21 under this Act shall submit to the Secretary on a bi-
22 ennial basis a report containing data on the use of
23 funds, the types of services furnished, and the stu-
24 dents served under this Act.

1 (2) REPORTS TO PARENTS.—Each State and
2 local educational agency receiving funds under this
3 Act shall publicly report to parents on its progress
4 in decreasing the ratio of students to personnel in el-
5 ementary and secondary school classrooms by re-
6 cruiting, hiring, and training paraprofessionals and
7 on the impact such activities have had, if any, on in-
8 creasing student academic achievement.

9 (3) DISCLOSURE OF QUALIFICATIONS.—Each
10 school receiving funds under this Act shall provide
11 to parents, upon request, the qualifications of each
12 member of their child’s classroom instructional staff.

13 (e) ADMINISTRATIVE COSTS.—A local educational
14 agency that receives funds under this Act may use not
15 more than 2 percent of such funds for local administrative
16 costs.

17 (f) APPLICATION.—Each local educational agency
18 that desires to receive funds under this Act shall include
19 in the application required under section 5133 of the Ele-
20 mentary and Secondary Education Act of 1965 (20 U.S.C.
21 7215b) a description of the agency’s program to reduce
22 the ratio of students to personnel in elementary and sec-
23 ondary school classrooms by recruiting, hiring, and train-
24 ing paraprofessionals.

25 (g) DEFINITIONS.—For purposes of this Act:

1 (1) The term “paraprofessional” means an indi-
2 vidual who is employed in a public elementary or
3 secondary school under the supervision of a certified
4 or licensed teacher, including individuals employed
5 in bilingual education, special education, and mi-
6 grant education.

7 (2) The term “local educational agency” has
8 the meaning given to that term in section 9101 of
9 the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 7801).

11 (3) The term “Secretary” means the Secretary
12 of Education.

13 (4) The term “State” is defined as that term
14 is used in section 306(a)(2) of the Departments of
15 Labor, Health and Human Services, and Education,
16 and Related Agencies Appropriations Act, 2001, as
17 enacted by section 1(a)(1) of Public Law 106–554.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—To carry
19 out this Act, there is authorized to be appropriated
20 \$1,000,000,000 for each of fiscal years 2006 through
21 2010.

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