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Agency of Education

August 26, 2022

The Honorable Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs,
Delegated the authority to perform the functions and
duties of the Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Request for waiver of paraprofessional qualification requirements under Title I, Part A of the ESEA

Dear Deputy Assistant Secretary Rosenblum,

Pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), the Vermont Agency of Education is requesting a **waiver of Section 1111(g)(2)(M) of the ESEA, as amended by the ESSA, which requires each State to have “professional standards for paraprofessionals working in a program supported with funds under [Title I, Part A], including qualifications that were in place on the day before the date of enactment of the [ESSA].”** We request that this requirement be waived for a period of three years in order to evaluate the impact this waiver may have on our LEAs and student achievement.

This section requires LEAs to comply with the paraprofessional requirements under section 1119(c) and (d) of the ESEA, as amended by NCLB. Specifically, each State and its LEAs must continue to ensure that each paraprofessional who is hired by the LEA and works in a program supported by Title I, Part A funds has:

- 1) a high school diploma or its recognized equivalent; and
- 2) one of the following:
 - a. Completed at least 2 years of study (defined as a minimum of 48 credit hours) at an institution of higher education; or
 - b. Obtained an associate's (or higher) degree; or

- c. Met a rigorous standard of quality and can demonstrate through a formal State or local academic assessment:
 - i. Knowledge of and the ability to assist in instructing reading, writing, mathematics; and
 - ii. Knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

The state of Vermont requests this waiver to mitigate the significant challenges LEAs face with hiring paraprofessionals who have the required qualifications at the time of hire. LEAs have had trouble finding eligible candidates interested in essential instructional paraprofessional positions for years, particularly in our most rural school districts. The pandemic has made these conditions dire. The numbers of students requiring individualized supports has increased substantially throughout the state and staffing to meet those needs is a challenge statewide. This waiver would provide relief to LEAs and schools who are forced to make the decision of being understaffed, or being out of compliance with ESEA Title I, part A regulations.

The Vermont Agency of Education would like to provide LEAs with the opportunity to hire candidates into the instructional paraprofessional positions within Title IA programs prior to having one of the required qualifications. The Vermont Agency of Education would also like to introduce a state policy requiring these paraprofessionals complete one of the qualifications (either 48 college credits, an Associate's degree or the passing of a local assessment) within one year of their date of hire. This will allow paraprofessionals to enter the field of education and gain the necessary experience with fewer barriers to entry. This also allows the Vermont Agency of Education to pilot innovative programs in collaboration with the Vermont Department of Labor such as a paraprofessional apprenticeship program. This pilot program has previously been restricted by an inability to hire apprenticeship candidates in Title I schools who do not already meet the highly qualified status requirements. However, this type of program would have the potential to increase the pool of paraprofessionals by providing essential experience in the field through a supportive and structured process.

The Vermont Agency of Education has expanded emergency and provisional licensure opportunities to fill other essential positions in response to the reduction in the education workforce, but we have been restricted in our ability to provide flexibilities with the instructional paraprofessional positions due to the statutory requirements of Title I, Part A programs under ESEA. Providing the flexibility of a one-year grace period for paraprofessionals to obtain "highly qualified" status would ensure that Title I schools have the best possible chance of filling open roles that are essential to the continuation of educational programming. Without instructional paraprofessionals in the classrooms, teachers are unable to instruct all students to the best of their ability which further widens the achievement gap for struggling students. Waiving this requirement will therefore allow schools and educators to better support the intention of their Title I programs.



Vermont's Agency of Education will ensure instructional paraprofessionals gain the necessary experience and satisfy one of the qualifying requirements by the end of their first year of employment with the LEA. This will occur through an annual data collection regarding the status of instructional paraprofessionals in Title I schools. The flexibility this waiver will provide during the hiring process will give LEAs the opportunity to meet their paraprofessional staffing needs while also growing their candidate pool. Furthermore, our state policy will ensure all contracted instructional paraprofessionals ultimately meet the qualifications of statute and that highly qualified individuals are working with our students most in need.

Sincerely,



Daniel M. French
Secretary of Education
Vermont Agency of Education

cc: Anne Bordonaro, Director of Federal Education Support Programs
cc: Heidi Parker, Assistant Division Director, Federal Education Support Programs
cc: Jessie Murray, State Title I Director, Federal Education Support Programs

