

**FLORIDA DEPARTMENT OF EDUCATION  
SECTION 2141 RESTRICTIONS ON HIRING NEW PARAPROFESSIONALS**

**FREQUENTLY ASKED QUESTIONS**

**For further answers to possible questions regarding the implementation of 2141, please review the Title I Paraprofessional Non-Regulatory Guidance post at <http://www.fldoe.org/profdev/titleii.asp>.**

**Q1. What are the provision of Section 2141 related to hiring new paraprofessionals with Title I funds?**

- A1. Section 2141 states that certain Local Education Agencies (LEAs) cannot use Title I funds to hire new paraprofessionals. Affected LEAs are those that have:
1. failed to make AYP for three consecutive years; and
  2. failed for three years to make to make progress toward meeting annual measurable objectives of all teachers being highly qualified.

**Q2. Are there exceptions?**

- A2. Yes. If one or more of the following conditions can be documented, LEAs may hire new paraprofessionals.
1. The LEA can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under Title I;
  2. The LEA can demonstrate that a significant influx of population has substantially increased student enrollment;
  3. The LEA can demonstrate that there is an increased need for translators; or
  4. The LEA can demonstrate that there is an increased need for assistance with parental involvement activities.

**Q3. Can Title I funds be used to hire paraprofessionals in newly opened or newly designated Title I schools?**

- A3. No. If a new paraprofessional position is created in a newly opened or designated Title I school, the LEA would not be able to fill that position if the LEA met the criteria in A1.

**Q4. If, after consultation with a private school, the private school would like to have a part-time paraprofessional provide instructional support services, may Title I funds be used to hire such an individual?**

- A4. No, the hiring of any newly created paraprofessional position is not allowable, even for services to private schools. However, if the hiring is to fill a vacancy, it would be allowed.

**Q5. Do the vacancies need to be current vacancies for Title I-funded paraprofessionals that meet NCLB requirements, or is this requirement limited only to new hires that would fill newly created positions?**

- A5. Yes. The restriction applies to newly created positions. If hiring is being done to fill an existing position vacated by the departure of another paraprofessional funded under Title I, that vacancy may be filled by only a highly qualified paraprofessional.

**Q6. What documentation is necessary to demonstrate a "significant influx of population"?**

- A6. Documentation that would support a significant influx may include a comparison of enrollment rosters from the previous year to the current year, or a comparison of Surveys 2, 3, or 5 enrollment data from the previous year to the current year.

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**Q7. What documentation is necessary to demonstrate an "increased need for translators"?**

A7. Documentation would include comparison data from the previous year to the current year that demonstrate an increase in the number of non-native English speakers.

**Q8. What documentation is necessary to demonstrate an "increased need for assistance with parental involvement"?**

A8. Revisions to the LEA or school parent involvement policies, plans, activities, or survey data that document a need for parent involvement facilitators may be provided to support an increased need for assistance with parent involvement. Such documentation should show an increased need for parent involvement facilitators at school sites based on new or newly expanded parent involvement activities and revisions to the current parent involvement program. In addition, a newly created district or school-level parent involvement center may serve as documentation for an increased need for parent involvement facilitators.

**Q9. What types of documentation would be sufficient for LEAs to submit to support the hiring of new paraprofessionals?**

A9. LEAs may certify in the Title I annual application that hiring is justified under one or more of the exceptions in A2.

**Q10. How is compliance monitored?**

A10. Adherence to Section 2141 compliance will be monitored under Title II, Part A through the established monitoring system.

**Q11. Can an LEA still provide professional development activities for paraprofessionals to improve knowledge and classroom practices and/or to help them become highly qualified teachers?**

A11. Yes. Both Title I and Title II, Part A funds can be used to provide professional development to paraprofessionals in order to improve their knowledge and classroom practices. Further, if paraprofessionals aspire to become highly qualified teachers, it is allowable to fund activities under Titles I and II that help them meet this goal. If a paraprofessional becomes a highly qualified teacher and vacates the position or vacates for any reason, it must be filled with a highly qualified paraprofessional.

**Q13. Can a school hire additional part-time teachers to work with small groups, provided that the teacher meets highly qualified requirements?**

A13. Yes, the restriction does not apply to the hiring of new, highly qualified teachers.

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