



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
H. Martin Lancaster, President

February 28, 2002

MEMORANDUM

TO: Presidents
Chief Academic Officers
Student Development Administrators
Early Childhood Department Heads

FROM: Delores A. Parker, Vice President
Academic and Student Services

SUBJECT: Teleconference on Federal Legislation "Leave No Child Behind Act"

You are cordially invited to participate in a statewide teleconference that will be held from 10:15 A.M to 12:15 P.M on March 21, 2002. The discussion will center on the new educational requirements for teacher assistants in public schools receiving Title I funding. The legislation mandating this has been attached for your review prior to the teleconference.

We have arranged twelve (12) sites at strategic locations across the state for the teleconference. Please see attached list for a location convenient to you. Remember that you must be at one of the twelve sites, in that college's Information Highway room, if you wish to participate in this manner. We are also set up to receive multiple "Meet Me Conference Call" here at the System Office. If you elect to participate in the conference call instead of traveling to a location site, you **must** contact Alice Holt at (919) 733-7051, Ext. 402, to receive instructions and a telephone number. Please be aware there are limited lines available for this call. Alice will accommodate on a first-call basis.

If you have questions or comments, please contact Kristi Snuggs, Program Coordinator, Early Childhood & Public Services Technologies at (919) 733-7051, Ext. 427, or email at snuggsk@ncccs.cc.nc.us.

DAP/KS/ah

Attachments

c: H. Martin Lancaster
Stephen Scott
Jeanette Council
Judith Mann
Mike Pittman
Kristi Snuggs
Alice Holt

CC02-048
E-Mail

SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

^(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-

^(1) IN GENERAL- Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.

^(2) STATE PLAN- As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum--

^(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005-2006 school year;

^(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and

^(C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.

^(3) LOCAL PLAN- As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005-2006 school year.

^(b) REPORTS-

^(1) ANNUAL STATE AND LOCAL REPORTS-

^(A) LOCAL REPORTS- Each State educational agency described in subsection (a)(2) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning with the 2002-2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the agency, in meeting the measurable objectives described in subsection (a)(2).

^(B) STATE REPORTS- Each State educational agency receiving assistance under this part shall prepare and submit each year, beginning with the 2002-2003 school year, a report to the Secretary, describing the State educational agency's progress in meeting the measurable objectives described in subsection (a)(2).

^(C) INFORMATION FROM OTHER REPORTS- A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h).

`(2) ANNUAL REPORTS BY THE SECRETARY- Each year, beginning with the 2002-2003 school year, the Secretary shall publicly report the annual progress of State educational agencies, local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2).

`(c) NEW PARAPROFESSIONALS-

`(1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall have--

`(A) completed at least 2 years of study at an institution of higher education;

`(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, and mathematics; or

`(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

`(2) CLARIFICATION- The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).

`(d) EXISTING PARAPROFESSIONALS- Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c).

`(e) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES- Subsections (c) and (d) shall not apply to a paraprofessional--

`(1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

`(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

`(f) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS- Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

`(g) DUTIES OF PARAPROFESSIONALS-

`(1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

`(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED- A paraprofessional described in paragraph (1) may be assigned--

`(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

`(B) to assist with classroom management, such as organizing instructional and other materials;

`(C) to provide assistance in a computer laboratory;

`(D) to conduct parental involvement activities;

`(E) to provide support in a library or media center;

`(F) to act as a translator; or

`(G) to provide instructional services to students in accordance with paragraph (3).

`(3) ADDITIONAL LIMITATIONS- A paraprofessional described in paragraph (1)--

`(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and

`(B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

`(h) USE OF FUNDS- A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

`(i) VERIFICATION OF COMPLIANCE-

`(1) IN GENERAL- In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each school operating a program under section 1114 or 1115 attest annually in writing as to whether such school is in compliance with the requirements of this section.

`(2) AVAILABILITY OF INFORMATION- Copies of attestations under paragraph (1)--

`(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

`(B) shall be available to any member of the general public on request.

`(j) COMBINATIONS OF FUNDS- Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.

`(k) SPECIAL RULE- Except as provided in subsection (l), no State educational agency shall require a school or a local educational agency to expend a specific amount of funds for

professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(3).

`(l) MINIMUM EXPENDITURES- Each local educational agency that receives funds under this part shall use not less than 5 percent, or more than 10 percent, of such funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005-2006 school year.

`SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

`(a) GENERAL REQUIREMENT-

`(1) IN GENERAL- To the extent consistent with the number of eligible children identified under section 1115(b) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to sections 1118 and 1119.

`(2) SECULAR, NEUTRAL, NONIDEOLOGICAL- Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

`(3) EQUITY- Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

`(4) EXPENDITURES- Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years.

`(5) PROVISION OF SERVICES- The local educational agency may provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.

`(b) CONSULTATION-

`(1) IN GENERAL- To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as--

`(A) how the children's needs will be identified;

`(B) what services will be offered;

`(C) how, where, and by whom the services will be provided;

`(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;

`(E) the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4) for such services;

`(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;

`(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers; and

`(H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor.

`(2) TIMING- Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

`(3) DISCUSSION- Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

`(4) DOCUMENTATION- Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has taken place to the State educational agency.

`(5) COMPLIANCE-

`(A) IN GENERAL- A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

`(B) PROCEDURE- If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

`(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS-

`(1) CALCULATION- A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low-income families and attend private schools by--

`(A) using the same measure of low income used to count public school children;

`(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

`(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

`(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

`(2) COMPLAINT PROCESS- Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 9505.

`(d) PUBLIC CONTROL OF FUNDS-

`(1) IN GENERAL- The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

`(2) PROVISION OF SERVICES-

`(A) PROVIDER- The provision of services under this section shall be provided--

`(i) by employees of a public agency; or

`(ii) through contract by such public agency with an individual, association, agency, or organization.

`(B) REQUIREMENT- In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

`(e) STANDARDS FOR A BYPASS- If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling, to provide for such participation, as required by this section, the Secretary shall--

`(1) waive the requirements of this section for such local educational agency;

`(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9503 and 9504; and

`(3) in making the determination under this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.

`SEC. 1120A. FISCAL REQUIREMENTS.

`(a) MAINTENANCE OF EFFORT- A local educational agency may receive funds under this part for any fiscal year only if the State educational agency involved finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 9521.

`(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS-

`(1) IN GENERAL- A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

`(2) SPECIAL RULE- No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

“Leave No Child Behind” Teacher Assistant Training

Teleconference Sites

Alamance Community College

Beaufort Community College

Bladen Community College

Blue Ridge Community College

Brunswick Community College - Leland Campus

Department of Community Colleges

Fayetteville Technical Community College 1

Guilford Technical Community College - Jamestown

Martin Community College

Robeson Community College 2

Southwestern Community College

Western Piedmont Community College

The teleconference will be held on March 21, 2002 from 10:15 AM - 12:15 PM