

**VIA FACSIMILE AND FIRST CLASS MAIL**

October 8, 2004

Raymond J. Simon  
Assistant Secretary  
Office of Elementary and Secondary Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Assistant Secretary Simon:

I am writing to obtain clarification on a question that has arisen as a result of the final non-regulatory guidance on Title I paraprofessionals issued by the Department on March 1, 2004.

My question concerns the level of rigor required for the paraprofessional assessments under Title I. The recent guidance excludes a specific measure of rigor for these assessments, which was included in the Draft Guidance of November 15, 2002. Our question is whether this change in guidance language is meant to signal a substantive change in interpretation.

The response to Question C-6 in the November, 2002 Draft Guidance states that “[t]he paraprofessional assessment is expected to evaluate candidates at a level equivalent to the second year of college. Having skills at the level of the second year of college is the intent of the law.” The Draft Guidance also suggests the assessments should meet state academic content standards and measure the candidate’s competence as required in §1119(c) of the statute.

In contrast, in the response to Question C-4 in the March, 2004 Guidance, the Department provides more general guidelines for States for paraprofessional assessments. These guidelines state that the assessment should be “rigorous and objective.” They also suggest the assessment should reflect state academic content standards and assessment results and should measure the candidate’s competence as required by §1119(c) of No Child Left Behind. The language requiring the assessment to evaluate candidates at a level equivalent to the second year of college has been removed from the Guidance.

Our question is: Whether the elimination of the language “the paraprofessional assessment is expected to evaluate candidates at a level equivalent to the second year of college” is meant to signal a substantive change in the law? Based on the new guidance, is the paraprofessional assessment required to have the “rigor” of the second year of college?

Thank you for the opportunity to raise this question. These are issues of compelling and immediate interest to states and local school districts. Thank you in advance for your prompt assistance.

Sincerely,

Leigh M. Manasevit