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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of Education to carry out a grant program to support the recruitment and retention of paraprofessionals in public elementary schools, secondary schools, and preschool programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. KUSTER introduced the following bill; which was referred to the
Committee on _____

A BILL

To direct the Secretary of Education to carry out a grant program to support the recruitment and retention of paraprofessionals in public elementary schools, secondary schools, and preschool programs, and for other purposes.

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

1 **SECTION 1. GRANTS TO SUPPORT EFFORTS TO RECRUIT**
2 **AND RETAIN PARAPROFESSIONALS IN**
3 **SCHOOLS.**

4 (a) IN GENERAL.—The Secretary of Education shall
5 carry out a program under which the Secretary makes al-
6 lotments to State educational agencies to assist States,
7 local educational agencies, and educational service agen-
8 cies in recruiting and retaining paraprofessionals in public
9 elementary schools, secondary schools, and preschool pro-
10 grams.

11 (b) STATE-BY-STATE ALLOCATION.—Of the amount
12 appropriated to carry out this Act for each fiscal year,
13 each State educational agency that has an application ap-
14 proved by the Secretary under subsection (e)(1) shall be
15 allocated an amount in proportion to the amount received
16 by all local educational agencies in the State under part
17 A of title I of the Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fis-
19 cal year relative to the total amount received under such
20 part for such fiscal year by all local educational agencies
21 in every State that has a plan approved by the Secretary
22 under such subsection.

23 (c) USE OF FUNDS.—

24 (1) STATE RESERVATION.—A State educational
25 agency that receives an allotment under subsection

26 (b) may reserve not more than 5 percent of the al-

1 lotment for administrative activities relating to the
2 grant program under paragraph (2) and to carry out
3 statewide activities to support the recruitment and
4 retention of paraprofessionals in public elementary
5 schools, secondary schools, and preschool programs
6 in the State.

7 (2) SUBGRANTS TO ELIGIBLE ENTITIES.—From
8 amounts received under subsection (b) and not re-
9 served under paragraph (1), a State educational
10 agency shall make subgrants to eligible entities, on
11 a competitive basis, to support the recruitment and
12 retention of paraprofessionals in public elementary
13 schools, secondary schools, and preschool programs,
14 which may include activities such as—

15 (A) establishing paraprofessional leader in-
16 duction and mentoring programs that are evi-
17 dence-based (to the extent a State determines
18 that such evidence is reasonably available) and
19 designed to—

20 (i) improve classroom instruction and
21 student learning and achievement, includ-
22 ing through improving school leadership
23 programs; and

24 (ii) increase the retention of para-
25 professionals;

1 (B) developing and implementing high-
2 quality professional development programs to
3 recruit and retain paraprofessionals in the ele-
4 mentary schools, secondary schools, and pre-
5 school programs served by eligible entities;

6 (C) providing paraprofessionals with the
7 skills, credentials, or certifications needed to
8 educate all students such as—

9 (i) a special education certificate;

10 (ii) an English learner certificate;

11 (iii) an advanced paraeducator certifi-
12 cation to support specialized instruction;

13 and

14 (iv) a certification in teaching; and

15 (D) increasing wages for paraprofessionals
16 or providing bonus pay incentives to retain and
17 recruit paraprofessionals.

18 (d) PRIORITY.—

19 (1) IN GENERAL.—In making subgrants to eli-
20 gible entities under subsection (c)(2), a State edu-
21 cational agency shall give priority to entities—

22 (A) that serve greater numbers or percent-
23 ages of children from low-income families;

24 (B) in which all schools served by the enti-
25 ty are designated with a locale code of 41, 42,

1 or 43, as determined by the Secretary of Edu-
2 cation; or

3 (C) in which all schools served by the enti-
4 ty—

5 (i) are described in section
6 11(a)(1)(F) of the Richard B. Russell Na-
7 tional School Lunch Act (42 U.S.C.
8 1759a(a)(1)(F)); and

9 (ii) have an identified student percent-
10 age (as such term is defined in section
11 245.9(f)(1)(iii) of title 7, Code of Federal
12 Regulations (or any successor regulations))
13 of not less than the threshold established
14 by the Secretary of Education for purposes
15 of such section.

16 (2) LOW-INCOME FAMILY.—For purposes of
17 paragraph (1)(A), the term “low-income family”
18 means a family—

19 (A) in which the children are eligible for a
20 free or reduced-price lunch under the Richard
21 B. Russell National School Lunch Act (42
22 U.S.C. 1751 et seq.);

23 (B) in which the children are—

24 (i) enrolled in a school described in
25 section 11(a)(1)(F) of the of the Richard

1 B. Russell National School Lunch Act (42
2 U.S.C. 1759a(a)(1)(F)); and

3 (ii) identified students (as defined in
4 section 11(a)(1)(F)(i) of such Act);

5 (C) receiving assistance under the program
6 of block grants to States for temporary assist-
7 ance for needy families established under part
8 A of title IV of the Social Security Act (42
9 U.S.C. 601 et seq.); or

10 (D) in which the children are eligible to re-
11 ceive medical assistance under the Medicaid
12 program under title XIX of the Social Security
13 Act (42 U.S.C. 1396 et seq.).

14 (e) APPLICATIONS.—

15 (1) STATE APPLICATIONS.—

16 (A) IN GENERAL.—To be eligible to receive
17 a grant under subsection (a), a State edu-
18 cational agency shall submit an application to
19 the Secretary at such time, in such manner,
20 and containing such information as the Sec-
21 retary may require.

22 (B) REQUIRED ASSURANCES.—A State
23 educational agency submitting an application
24 under paragraph (1) shall include in such appli-
25 cation an assurance that—

1 (i) in making subgrants under sub-
2 section (c)(2), the State will give priority
3 to eligible entities described in subsection
4 (d); and

5 (ii) the State educational agency will
6 comply with the reporting requirements
7 under subsection (f).

8 (2) ELIGIBLE ENTITY APPLICATIONS.—To be
9 eligible to receive a subgrant from a State edu-
10 cational agency under subsection (c)(2), an eligible
11 entity shall submit an application to the State edu-
12 cational agency at such time, in such manner, and
13 containing such information as the State educational
14 agency may require.

15 (f) IMPLEMENTATION AND EVALUATION.—On an an-
16 nual basis, in each fiscal year for which a State edu-
17 cational agency receives a grant under this section, such
18 agency shall prepare and submit to the Secretary of Edu-
19 cation a report that includes—

20 (1) updated average paraprofessional pay base-
21 lines for that fiscal year, disaggregated by the state-
22 wide average and the average within the schools
23 served by each eligible entity in the State;

24 (2) a description of how the State and eligible
25 entities in the State increased the average wages for

1 paraprofessional baselines in a manner consistent
2 with the statewide annual goals for the cor-
3 responding fiscal year;

4 (3) updated data on the number of paraprofes-
5 sionals employed by eligible entities in the State—

6 (A) who earn less than the average wage
7 for paraprofessionals in the State; and

8 (B) who earn less than the average wage
9 for paraprofessionals employed by the eligible
10 entity concerned;

11 (4) identification of any eligible entity that used
12 a subgrant under subsection (c)(2) to increase the
13 number of paraprofessionals employed in the schools
14 and preschools served by such entity;

15 (5) a description of the actions the State edu-
16 cational agency will take in the next fiscal year to
17 support eligible entities experiencing a shortage of
18 paraprofessionals; and

19 (6) a description of any professional develop-
20 ment activities used by eligible entities to recruit and
21 retain paraprofessionals.

22 (g) RULES OF CONSTRUCTION FOR COLLECTIVE
23 BARGAINING.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 nothing in this section shall be construed to alter or

1 otherwise affect the rights, remedies, and procedures
2 afforded to school or employees of an eligible entity
3 under Federal, State, or local laws (including appli-
4 cable regulations or court orders) or under the terms
5 of collective bargaining agreements, memoranda of
6 understanding, or other agreements between such
7 employers and their employees.

8 (2) COMPLIANCE.—Paragraph (1) shall not be
9 construed to exempt a State, eligible entity, or
10 school from complying with this subsection or from
11 negotiating in compliance with State labor laws to
12 comply with this section.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this Act
15 such sums as may be necessary for each of fiscal years
16 2024 through 2028.

17 (i) DEFINITIONS.—In this Act:

18 (1) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means—

20 (A) an educational service agency that
21 serves a high-need school or a consortium of
22 high-need schools; or

23 (B) a local educational agency.

24 (2) ESEA TERMS.—The terms “educational
25 service agency”, “elementary school”, “English

1 learner”, “evidence-based”, “local educational agen-
2 cy”, “secondary school”, and “State educational
3 agency” have the meanings given those terms in sec-
4 tion 8101 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 7801).

6 (3) HIGH-NEED SCHOOL.—The term “high-need
7 school” has the meaning given that term in section
8 2243(f)(2)(A) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6673(f)(2)(A)).

10 (4) PARAPROFESSIONAL.—The term “para-
11 professional” has the meaning given that term in
12 section 3201 of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 7011).

14 (5) PRESCHOOL PROGRAM.—The term “pre-
15 school program” means a program that—

16 (A) provides for the care, development, and
17 education of infants, toddlers, or young children
18 age five and under;

19 (B) meets any applicable State or local
20 government licensing, certification, approval,
21 and registration requirements; and

22 (C) is operated by a public or private
23 school that is supported, sponsored, supervised,
24 or administered by an eligible entity.