

118TH CONGRESS  
2D SESSION

# S. 3681

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2024

Mr. MARKEY (for himself, Mr. WYDEN, Ms. WARREN, Mr. BLUMENTHAL, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preparing And Retain-  
5 ing All (PARA) Educators Act”.

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

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

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

22 (c) USE OF FUNDS.—

23 (1) STATE RESERVATION.—A State educational  
24 agency that receives an allotment under subsection  
25 (b) may reserve not more than 5 percent of the al-  
26 lotment for administrative activities relating to the

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

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

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

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

23 (ii) increase the retention of para-  
24 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 subparagraph (A) shall include in such  
25 application 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 employees or employees of an eli-  
3 gible entity under Federal, State, or local laws (in-  
4 cluding applicable regulations or court orders) or  
5 under the terms of collective bargaining agreements,  
6 memoranda of understanding, or other agreements  
7 between such 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 section or from ne-  
11 gotiating 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) of the Elementary and Secondary Edu-  
9 cation Act of 1965 (20 U.S.C. 6673(f)(2)).

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 5 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.

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