



NEW YORK STATE  
**COUNCIL OF  
SCHOOL SUPERINTENDENTS**

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## **NO CHILD LEFT BEHIND ACT**

### **CRITICAL ISSUES FOR SCHOOL DISTRICT LEADERS**

#### **BULLETIN #3: Higher Qualifications for Teachers and Paraprofessionals**

On January 8, 2002, President Bush signed the *No Child Left Behind Act* (NCLB) – the latest reauthorization of the federal Elementary and Secondary Education Act. The legislation dramatically expands both the federal government’s financial support for education and its influence in the operations of the schools.

This bulletin summarizes some of the **provisions requiring higher qualifications for teachers and paraprofessionals employed through Title I** in the *No Child Left Behind Act*:

The law requires teachers and paraprofessionals employed through Title I to meet higher qualifications.

**Teachers** in Title I programs in “core subjects” must be “highly qualified” as defined in federal law; the State Education Department is still awaiting guidance from the U.S. Education Department on how state policies align with this requirement. NYSCOSS will distribute a supplemental bulletin when these issues are resolved.

Districts are required to inform parents regarding staff qualifications.

**Most paraprofessionals** (teaching assistants) in Title I programs must: (1) hold a high school diploma or equivalent; (2) have completed two years of postsecondary education or earned an associate’s degree; and (3) pass “a rigorous formal state or local academic assessment designed to demonstrate knowledge of and the ability to assist in instruction...”

Generally, **newly hired staff** must meet the higher standards immediately.

**Previously hired staff** must meet them by the 2005-06 school year, **except** that, effective January 8, 2002, **all** Title I paraprofessionals were required to hold a high school diploma or its equivalent.

This bulletin is one of a series on issues arising from the *No Child Left Behind Act* which warrant careful attention by school district leaders.

## I. Overview of the Act and Bulletin Series

In January, President Bush signed the *No Child Left Behind Act* (NCLB) – the latest reauthorization of the federal Elementary and Secondary Education Act. The legislation dramatically expands both the federal government’s financial support for education and its influence in the operations of the schools.

Federal aid to New York schools is projected to rise by more than 20 percent for the 2002-03 school year. New accountability requirements will also take effect: all students in grades 3 through 8 are to be tested each year in math and English, schools that fail to make adequate progress in raising student achievement may face consequences, teachers and paraprofessionals will be required to hold or attain specific credentials.

This bulletin is one of a series on issues arising from the *No Child Left Behind Act* which warrant careful attention by school district leaders.

Taken together, the bulletins do not comprise a comprehensive summary of the Act. A short, reader-friendly summary of the complete law is available from the Learning First Alliance, a coalition of national education advocacy groups, including the American Association of School Administrators (AASA). The summary is available at:

<http://www.learningfirst.org/pdfs/nochildleft.pdf>

***Many aspects of the legislation are complex and some implementation issues are still under consideration by the federal and/or state education departments. For these reasons, it is very important to consult other sources beyond this bulletin.***

Additional information is available through the State Education Department’s *No Child Left Behind* website:

[http://www.emsc.nysed.gov/deputy/nclb/nclb\\_home.htm](http://www.emsc.nysed.gov/deputy/nclb/nclb_home.htm)

The American Association of School Administrators offers helpful information in two sections of its website:

[http://www.aasa.org/government\\_relations/esea/index.htm](http://www.aasa.org/government_relations/esea/index.htm)

[http://www.aasa.org/issues\\_and\\_insights/ESEA/ESEA\\_best\\_of\\_web\\_index.htm](http://www.aasa.org/issues_and_insights/ESEA/ESEA_best_of_web_index.htm)

The Council will attempt to advise superintendents of new developments concerning the implementation of the legislation through the web site and e-mail listserv.

**The State Education Department is seeking clarification from the U.S. Education Department concerning a number of the new federal requirements affecting teachers.**

**A revised version of this bulletin will be issued once SED receives and shares that guidance.**

## **II. Higher Qualifications for Teachers**

School districts must ensure that all teachers of core academic subjects (English, reading, language arts, math, the sciences, foreign languages, physics, government, economics, the arts, history and geography) hired on or after the first day of the 2002-03 school year and teaching in a program supported by Title I funds are “highly qualified.”

Districts must develop a plan to ensure that all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year. SED is seeking guidance from the federal Education Department whether this requirement will be limited to teachers in programs supported by Title I funds.

Applying the definition of “highly qualified” is somewhat complicated and SED is seeking clarification from the federal Department. SED cautions, however, that “Teachers with temporary licenses are not ‘highly qualified’ ... This means that uncertified teachers with temporary licenses assigned to teach core academic subjects in programs or schools supported by Title I (1) cannot be hired on or after the first day of school in school year 2002-2003 and (2) must meet NCLB highly qualified requirements by the end of 2005-2006 if they were hired prior to that date.”

SED is seeking guidance on a number of specific points, including, for example:

Will substitute teachers have to satisfy the definition of “highly qualified?”

Will the state’s regulation allowing “incidental teaching” be acceptable under the NCLB?

When special education teachers teach academic subjects, will they meet the definition of highly qualified if they are fully certified as special education teachers?

SED has prepared a fact sheet on NCLB requirements for teachers and paraprofessionals that outlines its current understanding of how the definition is to be applied. It is attached to mailed versions of this Bulletin and is available on-line at:

<http://www.emsc.nysed.gov/deputy/nclb/nclbteacherparareqts.htm>

### III. Higher Qualifications for Paraprofessionals

Paraprofessionals must meet requirements established by the NCLB if they are certified teaching assistants and work in a program supported by Title I or in a school-wide Title I school.

Only certified teaching assistants are authorized to assist in Title I supported instruction and must do so under the direction of a certified teacher.

#### *Paraprofessionals hired after January 8, 2002*

Districts must ensure that all paraprofessionals hired after **January 8, 2002** (the date the law was signed) and working in a Title I funded program have earned a high school diploma or its recognized equivalent; and:

completed at least two years of study at an institution of higher education;

obtained an associate's (or higher) degree; or

passed a rigorous formal State or local academic assessment designed to demonstrate knowledge of and the ability to assist in instruction in reading, writing and math, or reading readiness, writing readiness and math readiness. (The SED fact sheet notes: *The Regents are requiring all candidates for a teaching assistant certificate after February 1, 2004 to pass a formal State assessment, the Communication and Quantitative Skills Test (CQST), unless they hold a valid teaching certificate. The CQST is expected to be available no later than June 30, 2004. It will meet NCLB requirements by testing candidates' knowledge of, and ability to assist in, instructing reading, writing and mathematics or instructing for readiness for those subjects. Prior to that date, school districts may use local assessments for teaching assistant candidates who have not completed two years of college study or an associate's degree to satisfy NCLB requirements. We [SED] will provide technical assistance and issue guidance related to local assessments for teaching assistants.*)

#### *Paraprofessionals hired before January 8, 2002*

Districts must ensure that all paraprofessionals hired **before** January 8, 2002 and working in a program supported with Title I funds satisfy the qualification requirements described above within four years – by January 8, 2006.

#### *Requirements for Translators and Parent Involvement Specialists*

Paraprofessionals whose primary responsibilities are providing translation services to enhance participation of limited English proficient children in the

program or solely conducting parental involvement activities *are exempted* from the State or local academic assessment test requirement and the four-year timeline for existing paraprofessionals.

*Effective January 8, 2002, all paraprofessionals in a program supported through Title I – regardless of hiring date – must hold a high school diploma or its equivalent.* This is a change from prior law which allowed the employment of translators who did not hold a high school diploma or its equivalent.

#### **IV. Parents’ “Right-to-Know” Issues**

The NCLB requires school districts to notify parents of children attending a Title I school at the beginning of the school year that they may request information regarding the qualifications of their child’s teacher(s) and paraprofessional staff.

SED requires districts to include with their consolidated NCLB application a sample of the planned notification letter. The letter must include the following information:

- whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

- whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived;

- the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; and

- whether the child is provided services by paraprofessionals and, if so, their qualifications.

In addition, districts must provide parents with “timely notification” that their child has been assigned or taught by a teacher who is not fully qualified for four or more consecutive weeks.

#### **V. Other Resources**

SED Fact Sheet on NCLB Requirements for Teachers and Paraprofessionals (attached to mailed version of Bulletin):

<http://www.emsc.nysed.gov/deputy/nclb/nclbteacherparareqts.htm>

NYSUT Fact Sheet on Teacher Qualifications:

[http://www.nysut.org/research/bulletins/2002nclb\\_grants.html](http://www.nysut.org/research/bulletins/2002nclb_grants.html)

NYSUT Fact Sheet on Paraprofessionals:

[http://www.nysut.org/research/bulletins/2002nclb\\_paraprofessionals.html](http://www.nysut.org/research/bulletins/2002nclb_paraprofessionals.html)