



May 4, 2005

The Honorable Margaret Spellings
Secretary
Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Spellings:

On behalf of the more than 1.3 million members of the American Federation of Teachers (AFT), I am writing to express our concern that school districts are *reducing the amount of time* paraprofessionals have to demonstrate they are highly qualified under the No Child Left Behind Act (NCLB).

NCLB requires that paraprofessionals must meet the highly qualified requirement by Jan. 8, 2006. However, many districts are advancing this deadline anywhere from spring to September 2005. This is a disservice to the many paraprofessionals who have been playing by the rules and are in the process of fulfilling the law's requirements.

The AFT also believes that the upcoming deadline has created some unintended consequences that were not foreseen when NCLB was signed into law. Unlike other requirements set forth in NCLB that are aligned with the end of the school year, the paraprofessional deadline is Jan. 8, 2006 (four years from the date of the law's enactment). This is incompatible with the end-of-school-year deadline set for teachers to prove they are highly qualified. All of the law's other deadlines are timed to coincide with school year calendars. A commonsense solution to this problem would be for the U.S. Department of Education to align the deadline for paraprofessionals with the end-of-school-year date now in place for teachers. We hope that the department will see the wisdom of this requested change and support our efforts to correct the inequity that currently exists between teachers and paraprofessionals for demonstrating their professional qualifications.

We also are concerned about the long interval between the signing of the law and the release of regulations and guidance, and with the inadequate monitoring of state compliance with paraprofessional requirements. These two factors taken together have made it more difficult for many paraprofessionals to demonstrate their qualifications and meet the law's requirements. When this law was enacted, state and local education agencies were charged with ensuring that all paraprofessionals hired before the date of enactment would, not later than four years after the effective date, satisfy the requirements as outlined in the law. The Education Department released its first set of guidance regarding paraprofessionals

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in November 2002. A month later, the department issued regulations that addressed only three of the many new requirements for paraprofessionals. The November guidance was later revised in March 2004, but no additional regulations have been put forth addressing the concerns of paraprofessionals. Monitoring reports on 14 states were conducted in 2004. These reports include information on paraprofessional requirements and, notably, give a citation to one state for inaction on behalf of paraprofessionals. The remaining reports will be conducted and released in 2005 and 2006, some well after the Jan. 8, 2006, deadline.

The AFT has monitored implementation of NCLB with a particular focus on what states and districts are doing to assist paraprofessionals in meeting the law's new requirements. We released a report in January 2004 which showed that just under half of the states (24) were providing adequate support to local education agencies and paraprofessionals. We have recently conducted another survey of our local affiliates to determine district-level implementation. That is how we learned of the concerns about the shortened timeline.

The AFT always has supported settings standards for the employment and training of paraprofessionals. Congress and the Education Department have emphasized the need for paraprofessionals to meet the standard established by this law. However, it took more than two years for either entity to begin to monitor compliance. And the next round of monitoring will take place too late to allow paraprofessionals to comply.

Based on the aforementioned reasons, we are requesting that the U.S. Department of Education:

- allow paraprofessionals until the end of the 2005-06 school year to satisfy the professional requirements set for them under NCLB consistent with other deadlines and not disrupt the school year.
- reiterate to districts that NCLB gives paraprofessionals until Jan. 8, 2006, to meet the requirements of the law, and that shortening this timeline for any reason would be in clear violation of the law.

This is simply a matter of fairness to those paraprofessionals who are working diligently to comply with the law. This allowance would be of particular assistance to paraprofessionals who:

- entered degree programs with the understanding that they have until Jan. 8, 2006, to meet the requirement;
- are working in new Title I schools and will not have the full time period to meet the requirement;
- work in rural communities with limited or no access to community colleges or universities where they can acquire college credits; and
- work in states that have provided little to no guidance on assessment options to local education agencies.

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The AFT would like to explore the suggestions above and any other commonsense solutions that the department would deem appropriate in an attempt to make sure that these dedicated paraprofessionals are not shortchanged in the coming months.

I appreciate your consideration of this request and look forward to working with the department on this urgent matter.

Sincerely,

Edward J. McElroy
AFT President

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cc: Lorretta Johnson, AFT PSRP PPC Chairperson
Tish Olshefski, AFT PSRP Director