



American Federation
of Teachers, AFL-CIO

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November 10, 2005

The Honorable Margaret Spellings
U.S. Department of Education
Washington, D.C. 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 request that the U.S. Department of Education maintain its previously stated policy and continue alignment of the qualification provisions for paraprofessionals under the No Child Left Behind Act (NCLB) with those of teachers. Specifically, we are asking that the flexibility recently granted to states to meet “highly qualified teacher” (HQT) requirements also extend to paraprofessionals. We believe this is a commonsense approach that will help ensure equitable treatment of paraprofessionals as states and districts continue their progress in implementing NCLB.

The AFT welcomed the Department’s June 17, 2005, decision to extend the deadline for paraprofessionals to meet NCLB staffing requirements to the end of the 2005-06 school year. That decision recognized and corrected the inequity that had existed between teachers and paraprofessionals for demonstrating their professional qualifications. As Deputy Secretary of Education Ray Simon stated in the decision: “We believe that the paraprofessional and highly qualified teacher provisions should be consistent....Therefore, the Department will align its monitoring and enforcement efforts of states for both the highly qualified teacher and paraprofessional provisions of the law.”


We also welcomed your October 21, 2005, letter to the Chief State School Officers, in which you pledged that you would not withhold federal funds from states that haven’t met “highly qualified teacher” (HQT) requirements, provided they can demonstrate that they are making a “good-faith effort” to reach the HQT goal. This letter recognized that, despite the best efforts of states and districts, there are circumstances that make it very difficult to have a “highly qualified” teacher in every classroom. As the letter noted, these challenges are particularly acute in hard-to-staff schools (e.g., high-poverty urban and small rural schools) and hard-to-staff subject areas (e.g., special education), as well as in areas affected by Hurricanes Katrina and Rita.

As has been our position throughout, the AFT believes that it is misguided to apply one standard of state compliance for teachers and another for paraprofessionals. Paraprofessionals play an essential support role in districts and schools across the country, and the majority are well on their way to meeting their qualification requirements. Increasingly, districts and schools are stepping up efforts to provide paraprofessionals with the guidance and professional development they need to meet NCLB requirements. As is the case for teachers, it would be counterproductive to undermine these “good-faith” efforts. It would be highly disruptive to students—particularly low-income, ELL, and special needs students—who benefit greatly from the support services that paraprofessionals provide. It would also place an onerous, if not insurmountable, burden on districts, which would have to start from scratch to recruit and retain paraprofessionals who have met the law’s qualification requirements, even though the existing workforce is already being trained to meet that standard.

That is why we are asking that the flexibility granted to states in meeting HQT requirements also extend to paraprofessionals. Your Oct. 21, 2005, letter outlined a process by which states could demonstrate that they are making a good-faith effort to meet HQT requirements. Assuming states meet this good-faith standard, they can submit a revised plan for reaching the HQT goal by 2006-07. We are asking that you establish a similar process for paraprofessionals. States that submit appropriate data and demonstrate concrete efforts to meet paraprofessional requirements should be exempt from sanctions and should earn the right to submit a revised plan for reaching full compliance in the 2006-07 school year.

We look forward to working with the Department on this urgent matter.

Sincerely,



Edward J. McElroy
President

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