

ESEA Alert

June 1, 2005

California Teachers Association- Negotiations and Organizational Development Department

“Highly Qualified” Deadline Looms for Paraprofessionals and Teachers

The clock is ticking toward a 2006 federal deadline for teachers and paraprofessionals who provide instruction in core academic subjects to document their “highly qualified” status.

January 8, 2006 is the deadline for all paraprofessionals who are paid with Title I funds or who work in a Title I schoolwide program. For teachers, the HQT deadline is June 30, 2006. School districts have had at least a year to comply with the state regulations that were adopted to meet the NCLB requirements.

CTA currently represents more than 30 ESP chapters and their field staff reports that most districts have worked cooperatively with local leaders as they move through the compliance process. Although many ESP locals are reporting that a majority of their members have already been certified as highly qualified, significant numbers are still working to achieve that designation.

Associations are working with school districts and county offices of education to provide support for ESP unit members in a variety of ways. For example, in Reed’s Creek, Corning HS and Gerber, the districts agreed to provide additional stipends for highly qualified status and to provide no-cost tutoring for those requiring assistance. In San Francisco, members were connected to the local community college to assist in their quest for units.



For ESP unit members working in Beverly Hills, the District agreed to provide tutoring and required test takers to re-take only that portion of the exam that they did not pass.

The challenges presented by NCLB’s highly qualified requirements remind us again how much all school employees have in common as they strive daily to work on behalf of California’s more than six million students.

Criteria for Paraprofessionals Providing Instructional Support?

Listed below are the professional activities that require paraprofessionals to meet the highly-qualified requirements:

- Providing one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from the teacher;
 - Assisting with classroom management, such as organizing instructional and other materials;
 - Providing instructional assistance in a computer laboratory;
 - Conducting parental involvement activities;
 - Providing support in a library or media center;
 - Acting as a translator, or
 - Providing instructional support services under the direct supervision of a teacher.
- The criteria do not include individuals who do not provide instructional support, such as food service workers, cafeteria or playground supervisor, non-instructional computer assistance, personal care services and other similar positions.

Overview of the HQ Requirements:

All paraprofessionals must have a secondary school diploma or recognized equivalent, and **one** of the following:

- ◆ Two years of higher education
- ◆ A.A. Degree
- ◆ Meet Rigorous standards of quality in math, reading & writing

The development and/or selection of an assessment is a local decision.

California Teachers Association

www.cta.org



For More Information

The California Department of Education has additional information regarding Highly Qualified compliance issues for paraprofessionals. Go to their website: www.cde.ca.gov/nclb/sr/tq/parafaq.asp

What Should the Association Bargain?

Local associations have had varying degrees of success in getting employers to bargain highly qualified compliance issues. While some have entered into formal bargaining, others agreed only to "meet and consult". In a few places, districts have ruled out any kind of negotiations and referred matters instead to the local county office of education for assistance and training.

COURSEWORK & ADDITIONAL TRAINING

The two years of higher education is defined as 48 semester units with the type of coursework for completion of those units determined locally. To be determined is whether all coursework will be accepted or only core subject area coursework?

Options available to paraprofessionals who do not possess a high school diploma should be spelled out in the negotiated agreement. Tutoring and paying for the administration of the high school equivalency exam should be included, as a minimum.

ASSESSMENTS

The district should provide tutoring on site. Any fees for taking the test should be paid for by the district and time to take the test should be during regular work time. On-line tutoring with access to technology should also be considered. The number of times the test can be taken should not be unreasonably limited.

PREVIOUSLY ADMINISTERED ASSESSMENTS

The Association should negotiate language that recognizes any previously administered test of skills to satisfy federal requirements. SB 1405 amended the CA Education Code (Sec. 45330) to state that a paraprofessional who was hired on or before 1/1/ 2003, and who has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing and mathematics, is deemed to have met the NCLB requirements.

The Local Education Agency (LEA) would need to determine that the exam meets the federal requirements. If it is determined that the exam does not meet the federal requirements, then an observation of a non-exam assessment should be negotiated in order to meet the standards.

TRANSFER RIGHTS

Consideration should be given to negotiating language to protect employee rights in the event that transfers to programs that have different HQ requirements are necessary. A paraprofessional who was employed in a non-Title I program, but who transfers to a Title I program and is not new the district, has until January 2006 to meet the requirements. How transfers are handled from a non-Title I program to a Title I program and how assistance will be provided in order to become highly qualified should be negotiated.

The Road Ahead...

It is three years and counting for state and local education agencies as they grapple with the variety of federal mandates contained in the so-called "No Child Left Behind" Act. Although very controversial, the law has clearly altered the landscape of public education throughout California.

Its implementation has generated much anxiety and confusion. But it has also demonstrated how critical it is for teachers, paraprofessionals and administrators to talk with each other about how we create institutions that support all students and respect the employment rights of our school employees.