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Highly Qualified Teachers and Paraprofessionals Under the No Child Left Behind Act

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On January 8, 2002, in Hamilton, Ohio, President George W. Bush signed the No Child Left Behind Act (NCLB) into law.¹ One of the main purposes of NCLB is to improve the education of public school children by providing them with competent and knowledgeable teachers.

NCLB requires public school teachers of core subjects and certain paraprofessionals to be “highly qualified” by the end of the 2005-2006 school year. To be highly qualified under NCLB, a classroom teacher generally must have a bachelor’s degree and full state certification and demonstrate subject matter competency. Paraprofessionals who work in federally funded Title I programs² must have a high school diploma and either (1) complete two years of post-secondary study, (2) obtain an associate degree or higher, or (3) pass a knowledge assessment. NCLB entitles parents to information about the professional qualifications of their children’s teachers. Ohio has not completely met the NCLB goals for educator quality, but the U.S. Department of Education has granted the state a one-year extension of the June 30, 2006, deadline to attain full compliance.

Highly qualified teachers

NCLB provisions

To improve teacher quality, NCLB requires school districts and charter schools to ensure that all teachers hired after the start of the 2002-2003 school year to teach “core academic subjects” in a program supported by federal

The No Child Left Behind Act requires all public school teachers of core subjects and certain paraprofessionals to be “highly qualified” by the end of the 2005-2006 school year. Ohio has received a one-year extension of this deadline.



Core subjects include English, reading or language arts, math, science, foreign languages, civics and government, economics, arts, history, and geography.

To be highly qualified, a teacher generally must have a bachelor's degree and full state certification and demonstrate competency in each core subject taught.

Title I funds are “highly qualified.”³ Core academic subjects include English, reading or language arts, math, science, foreign languages, civics and government, economics, arts, history, and geography. Teachers of other subjects, such as vocational courses, need not meet the NCLB highly qualified standard. By the end of the 2005-2006 school year, districts and charter schools must ensure that *all* teachers of core academic subjects, regardless of whether they are newly hired or continuing educators or whether they teach in a Title I program, are highly qualified.⁴

Definition of “highly qualified.”

To be highly qualified within the meaning of NCLB, a teacher generally must (1) hold a bachelor's degree, (2) be fully certified by the state, and (3) demonstrate competency in each core subject taught. There are different requirements for demonstrating subject matter competency depending on the grade levels taught and the date of hire. An elementary teacher hired after July 1, 2002, must pass a rigorous state test of subject knowledge and teaching skills in reading, writing, math, and other areas of the basic elementary school curriculum. A middle or high school teacher hired after that date must either pass a state test in each core subject the teacher teaches or have completed an undergraduate major, graduate degree, coursework equivalent to a major, or advanced certification or credentialing in each of those subjects.

A teacher hired prior to July 1, 2002, must meet the same requirements for subject matter competency as a teacher hired after that date, except that competency also may be demonstrated through a High Objective Uniform State Standard of Evaluation (HOUSSE) process using criteria established at the state level.⁵ However, states must discontinue use of the HOUSSE process for most veteran teachers after the 2005-2006 school year. Special education teachers and certain rural high school teachers who are hired after the 2005-2006 school year and are highly qualified in at least one core subject at the time of hire but teach additional core subjects may still use the HOUSSE process for a limited time to become highly qualified in the other subjects they teach.⁶

Although these requirements generally apply, they have been modified for certain teachers. Teachers in charter schools, for example, must meet all NCLB requirements to be considered highly qualified, except that states may determine whether such teachers must be fully certified in accordance with state law.⁷ Also, states may allow science teachers to be highly qualified in the broad field of science, rather than in specific branches of the field such as biology or chemistry.⁸

Deadline for compliance. Although NCLB's statutory deadline for all teachers of core subjects to be highly qualified is the end of the 2005-2006 school year, the U.S. De-



partment of Education has announced that it will not withhold federal Title I funds from states that fail to meet the deadline, as long as they are making a “good-faith effort” to fulfill NCLB’s teacher requirements. States that are found to be making a good-faith effort may receive a one-year extension of the statutory deadline by implementing a revised plan to meet the goal of having all teachers of core subjects highly qualified by the end of the 2006-2007 school year.⁹

Ohio law

Am. Sub. S.B. 2 of the 125th General Assembly (effective June 9, 2004) enacted Ohio’s statute regarding highly qualified teachers.¹⁰ That statute requires that teachers hired after July 1, 2002, to teach a core academic subject (defined in the same manner as NCLB) in a school district-

operated school that receives Title I funds must be highly qualified. Ohio law, however, does not incorporate NCLB’s provision requiring that, by July 1, 2006, *all* teachers of core academic subjects be highly qualified.

Ohio law defines a “highly qualified” teacher as a classroom teacher who (1) holds a bachelor’s degree and (2) is fully licensed or is participating in an alternative licensure route in which the teacher receives professional development and mentoring, teaches for not longer than three years, and demonstrates satisfactory progress toward becoming fully licensed. In addition, the teacher must fulfill at least *one* of the following requirements:

Ohio teachers hired after July 1, 2002, may demonstrate subject matter competency through a test, education credentials, a state-developed evaluation process, or professional development activities.



Option	If Teaching in Grades K to 6	If Teaching in Grades 7 to 12
Test	Pass a test of subject matter and professional knowledge required for licensure.	Pass a test of subject matter knowledge required for licensure.
Educational Credentials	Receive a graduate degree or advanced certification in the teacher's teaching assignment.	Successfully complete either an undergraduate major, coursework equivalent to a major, a graduate degree, or advanced certification in each subject area in which the teacher teaches.
Score on Ohio HOUSSE Evaluation Process	Achieve 100 points on the "Ohio Highly Qualified Teacher Rubric" evaluation developed by the Ohio Department of Education.*	Same.
Professional Development Program	Complete an individualized professional development program approved by the teacher's local professional development committee that includes 90 hours of high quality professional development incorporating grade-appropriate academic subject matter knowledge, teaching skills, and state academic content standards.	Same.

* Ohio's HOUSSE process is a point-based evaluation that considers a teacher's years of experience in a particular content area, college coursework in this content area, college coursework in teaching methods related to the content area, professional development in the teacher's content area, professional activities in the teacher's content area, whether the teacher has received specific teaching awards, and whether the teacher has published.



Community schools. Ohio law applies the highly qualified teacher requirements somewhat differently to teachers in community (charter) schools. First, state law does not appear to require community schools to hire highly qualified teachers, although that omission does not exempt those schools from complying with the federal hiring requirements. Second, as discussed above, NCLB requires community school teachers to have a bachelor's degree, demonstrate subject matter competency, and be licensed, but state law determines whether those teachers must be *fully* licensed. Under Ohio law, community school teachers may hold any type of educator license, including a substitute license or conditional permit, and be considered highly qualified.¹¹ Teachers employed by school districts, on the other hand, typically must have a provisional or professional license, which indicates full certification.

Finally, state law appears to exempt community schools from the State Board of Education's minimum education standards, including a provision that requires teachers to be assigned to teach in the area or grade level in which they are licensed.¹² Thus, community school teachers probably do not have to teach the subject for which they are licensed, although they still must show mastery of the subjects they do teach to comply with NCLB.

Ohio's progress toward highly qualified teachers

The State Board of Education's licensure standards for most teachers require a bachelor's degree, passage of a state examination, and completion of specific coursework appropriate to the subject area taught.¹³ Many Ohio teachers licensed under those standards, which took effect in 1998, are able to satisfy NCLB's highly qualified teacher requirements without further qualifications. The Ohio Department of Education has used some of the professional development funds appropriated in recent state budgets to offer college coursework and other continuing education opportunities for teachers to become highly qualified. In addition, the Improving Teacher Quality State Grants program provides federal funds for grants to school districts for various teacher quality initiatives, including professional development, recruitment and retention activities, and class-size reduction. The grants are awarded based on a formula that considers each district's enrollment and child poverty level. In fiscal years 2003 through 2005, Ohio has received \$272 million under the program, with an additional \$107 million appropriated for each of fiscal year 2006 and fiscal year 2007.

Ohio law applies the highly qualified teacher requirements differently to community school teachers, mainly by allowing them to hold temporary or substitute licenses instead of full certification.

Ohio received \$272 million in federal grant money to improve teacher quality in fiscal years 2003 to 2005, with an additional \$107 million appropriated for each of fiscal years 2006 and 2007.



Improving Teacher Quality State Grants	
FY 2003 (Actual)	\$ 70,742,971
FY 2004 (Actual)	\$ 97,688,454
FY 2005 (Actual)	\$ 103,715,394
FY 2006 (Appropriation)	\$ 107,000,000
FY 2007 (Appropriation)	\$ 107,000,000
TOTAL	\$ 486,146,819

Over 94% of core academic classes in Ohio were taught by highly qualified teachers in the 2005-2006 school year.

According to the Ohio Department of Education, during the 2005-2006 school year, 94.4% of core academic classes in Ohio were taught by highly qualified teachers. The percentage of core classes taught by highly qualified teachers in high-poverty schools was 89.5%, compared to 98.1% in low-poverty schools.¹⁴ On May 10, 2006, Ohio was approved for the one-year extension to fully meet the highly qualified teacher requirements of NCLB.¹⁵

Paraprofessionals

NCLB provisions

Paraprofessionals working in federally funded Title I programs must have a high school diploma and either (1) complete two years of post-secondary study, (2) obtain an associate degree or higher, or (3) pass a knowledge assessment.

In addition to requiring highly qualified teachers in the classroom, NCLB establishes minimum qualifications for educational paraprofessionals *who work in programs supported by Title I funds*.¹⁶ NCLB's paraprofessional requirements apply only to individuals who provide direct instructional support to students under the supervision of a teacher. Individuals who perform non-instructional duties, such as clerical tasks or playground monitoring, are not considered paraprofessionals under NCLB.¹⁷

Under NCLB, paraprofessionals working in programs paid for with Title I funds must have a high school diploma and have done one of the following: (1) completed at least two years of study at an institution of higher education, (2) obtained an associate degree or higher, or (3) met "a rigorous standard of quality" and demonstrated knowledge of reading, writing, and math through



passage of a state or local assessment. Paraprofessionals hired after January 8, 2002, must meet these qualifications upon employment. Paraprofessionals hired on or before January 8, 2002, must possess a high school diploma on that date, but they have until the end of the 2005-2006 school year to meet one of the other qualifications.¹⁸

Ohio paraprofessionals working in Title I programs

Under Ohio law, paraprofessionals are referred to as “educational assistants.” Prior to employment, an educational assistant must obtain either an educational paraprofessional license or an educational aide permit issued by the State Board of Education.¹⁹ Educational assistants who perform instructional duties and work in Title I programs must meet NCLB’s requirements for paraprofessionals. Holders of an educational paraprofessional license automatically satisfy NCLB because the State Board requires license applicants to complete an educational paraprofessional associate degree program, which is one option for complying with NCLB. Educational aide permits, however, may be issued to high school graduates.²⁰ Consequently, educational assistants working under the permits are not NCLB-qualified unless they have also completed an associate degree program, two years of post-secondary study, or a skills assessment.²¹

A smaller percentage of Ohio paraprofessionals than teachers meet

NCLB’s requirements for educator quality. For the 2005-2006 school year, 77.9% of the paraprofessionals working in Title I programs in Ohio were highly qualified.

Parents’ right to know teacher qualifications

Under NCLB, school districts must annually notify parents of students enrolled in schools receiving Title I funds that they may request information about the professional qualifications of their children’s teachers. When such information is requested, districts must tell parents, at a minimum, (1) whether the teacher has met state certification requirements for the subjects and grades being taught, (2) whether any certification requirements for the teacher have been waived, (3) the teacher’s college major and any graduate degrees, and (4) whether the child receives services from a paraprofessional and, if so, the paraprofessional’s qualifications. Furthermore, each Title I school must inform parents when their children have been assigned to, or have been taught for four or more consecutive weeks by, a teacher of a core subject who is *not* highly qualified.²² Ohio law incorporates all but the latter of these requirements.²³ The U.S. Department of Education has found Ohio to be in full compliance with the parental notification provisions of NCLB.²⁴

For the 2005-2006 school year, 77.9% of Ohio’s paraprofessionals subject to NCLB were highly qualified.

NCLB entitles parents of students in Title I schools to information about the professional qualifications of their children’s teachers.



ENDNOTES

¹ No Child Left Behind Act of 2001, Pub. L. No. 107-110, 20 United States Code §§ 6301 et seq.

² Title I is the central program of the Elementary and Secondary Education Act of 1965, which NCLB reauthorizes. Title I provides funds for the educational needs of low-income and other at-risk students.

³ A teacher teaching in a program supported by Title I funds includes a teacher in a targeted assistance school who is paid with Title I funds, a teacher in a school with a schoolwide Title I program, and a teacher employed by a school district with Title I funds to provide services to eligible private school students (34 Code of Federal Regulations (C.F.R.) § 200.55(a)(2)).

⁴ 34 C.F.R. § 200.55.

⁵ 34 C.F.R. § 200.56.

⁶ Letter to Chief State School Officers from U.S. Assistant Secretary of Education Henry L. Johnson (March 21, 2006). The extra time to use the HOUSSE process is two years for special education teachers and three years for rural secondary teachers.

⁷ "Improving Teacher Quality State Grants: Non-Regulatory Guidance," U.S. Department of Education (January 16, 2004). Under 34 C.F.R. § 200.56(a)(3), "a teacher teaching in a public charter school in a State must meet the certification and licensure requirements, if any, contained in the State's charter school law."

⁸ "New, Flexible Policies Help Teachers Become Highly Qualified," U.S. Department of Education press release (March 15, 2004).

⁹ Letter to Chief State School Officers from U.S. Secretary of Education Margaret Spellings (October 21, 2005).

¹⁰ R.C. 3319.074.

¹¹ R.C. 3314.03(A)(10).

¹² For the State Board's minimum standards, see Ohio Administrative Code (O.A.C.) Chapter 3301-35, especially 3301-35-05.

¹³ See O.A.C. 3301-24-05.

¹⁴ "2005-2006 Annual Report on Educational Progress in Ohio," Ohio Department of Education.

¹⁵ See "Assessing State Progress in Meeting the Highly Qualified Teacher Goals" at www.ed.gov/programs/teacherqual/hqtltr/review/oh.doc.

¹⁶ 34 C.F.R. § 200.58. Paraprofessionals working in programs supported by Title I funds include paraprofessionals who are paid with Title I funds and paraprofessionals working in schools that have schoolwide Title I programs (34 C.F.R. § 200.58(a)(3)).

¹⁷ As defined by NCLB, a paraprofessional may perform the following services: (1) one-on-one tutoring if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher, (2) assisting in classroom management, (3) assisting in computer instruction, (4) conducting parental involvement activities, (5) providing



instructional support in a library or media center, (6) acting as a translator, or (7) providing other instructional support services (34 C.F.R. § 200.59(b)).

¹⁸ See “Simon Issues Statement Regarding No Child Left Behind Requirements for Paraprofessionals,” U.S. Department of Education press release (June 17, 2005). There is an exception for paraprofessionals who work mainly as translators for limited English proficient students or who have duties related solely to parental involvement activities. Those paraprofessionals are not required to meet the NCLB qualifications (other than a high school diploma) at any time. 34 C.F.R. § 200.58(e).

¹⁹ R.C. 3319.088. An educational assistant is a “nonteaching employee in a school district who directly assists a teacher . . . by performing duties for which [an educator] license . . . is not required.”

²⁰ O.A.C. 3301-24-05(G) and (I).

²¹ In Ohio, the required skills assessment is the *Parapro Assessment*, developed by the Educational Testing Service (ETS). The State Board has designated 456 points (out of a possible 480) as a passing score on the test.

²² 34 C.F.R. § 200.61.

²³ R.C. 3319.074(C).

²⁴ See “Assessing State Progress in Meeting the Highly Qualified Teacher Goals” at www.ed.gov/programs/teacherqual/hqtltr/review/oh.doc.



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