

# Crisis Brewing? Paraprofessionals and the No Child Left Behind Act



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The No Child Left Behind Act (NCLB), enacted in January 2002, includes among its provisions new requirements for all employees providing instructional support (paraprofessionals, teacher aides, tutors, etc.) in programs/schools supported with Title I, Part A funds. The law stipulates that paraprofessionals or teacher aides—the names used in this report interchangeably to refer to all instructional support staff—must meet one of the following criteria: hold an associate’s degree (or higher), complete at least two years in an institution of higher education, or obtain a passing score on a test that measures reading, writing, and mathematics competency. Some teacher aides are exempt from this requirement, namely those working in non-Title I schools, those working as translators for English language learners (ELLs) or limited English proficient students (LEP/NEP), and those not working in instructional capacities (e.g., food services and clerical assistance). Current aides have until 2006 to meet NCLB requirements, while new hires must already meet them.

School administrators, advocates, and researchers alike worry that these new requirements will create a supply crisis. Two problems seem likely. First, schools that employ teacher aides could lose staff unable to comply with NCLB by the 2006 deadline. Second, the preconditions for employment might prevent many traditional candidates from being hired. These problems could be particularly serious for schools serving limited English proficient and immigrant children, as such schools often rely on bilingual teacher aides to assist in instruction. The loss of bilingual and other aides could also exacerbate the difficulties already facing high-poverty schools, because these schools tend to rely disproportionately on the use of paraprofessionals. According to the Center on Education Policy, in the 1997–98 school year, 84 percent of principals in high-poverty schools versus 53 percent of prin-

cipals in low-poverty schools reported having paraprofessionals on their staff.<sup>1</sup>

This research focuses on areas where these high-poverty schools are found. Commissioned by Recruiting New Teachers, Inc. (RNT), and funded by the Lumina Foundation for Education, the Urban Institute conducted a survey of all states and the District of Columbia, and of a sample of urban and rural school districts. To be included in the survey population, districts had to meet three criteria: high percentage of Title I-eligible schools (i.e., those affected by NCLB requirements), high percentage of students qualifying for free and reduced lunch (i.e., high poverty), and high percentage of teacher aides (the focus of the study). “High” was defined as being above the U.S. mean for the given statistic. Forty-four out of fifty states responded to our survey, as did 79 districts (35 urban and 44 rural).<sup>2</sup> These were our key findings:

## *Initial Concerns Might Be Unwarranted*

At the time the law was passed, an average of 40 percent of aides met NCLB requirements (according to information submitted in the Consolidated State Applications for Federal Funds, September 2003). The majority of states reported having between 25 and 50 percent of aides in compliance. This estimate is, however, based on only 34 states that provided compliance information. To update this information and determine the scope of potential problems faced by jurisdictions in meeting the qualifications mandate, we asked state departments of education and districts to identify the number and/or percentage of highly qualified teacher aides in their jurisdictions, as well as estimate how many of those not qualified would meet qualifications in the near future, would have difficulty doing so, or would be unlikely to do so. Most states could not provide this

**Program for Evaluation and Equity Research (PEER)**  
**The Urban Institute**  
Clemencia Cosentino  
de Cohen

information, despite claiming to have mechanisms in place to monitor compliance.

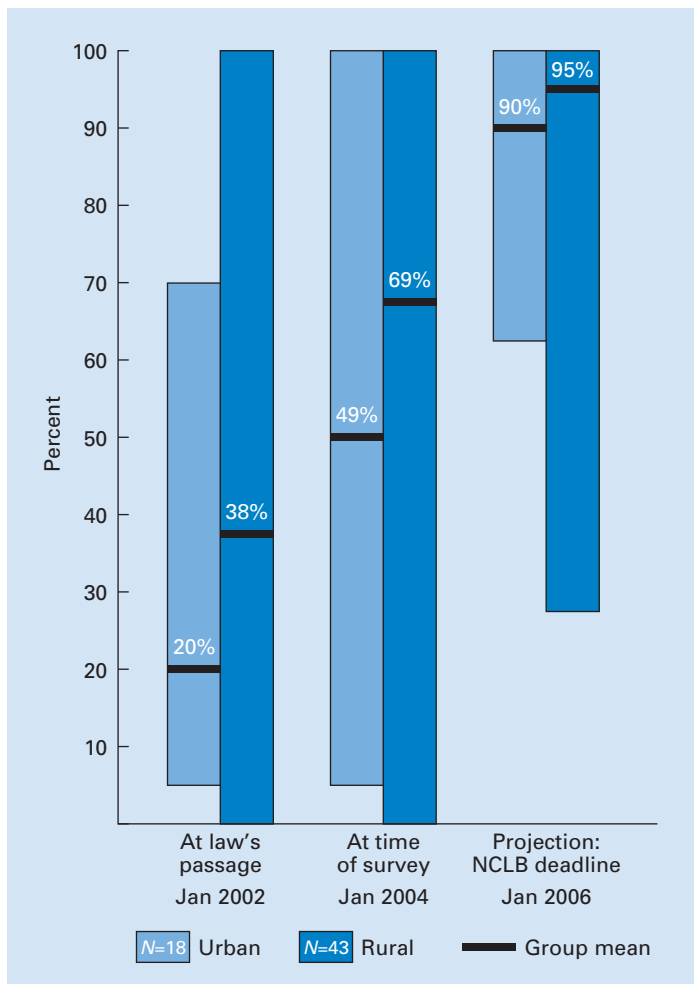
District data collected for this study show that, at the time the law was passed, urban districts had a smaller share of their teacher aides in compliance than rural districts (20 percent versus 38 percent, on average). These figures rose to between 49 percent (in 18 urban districts) and 68 percent (in 43 rural districts) of teacher aides meeting NCLB requirements by January of 2004, two years after enactment of the law. These districts projected that by the NCLB deadline next year, an average of 90 percent (urban) to 95 percent (rural) of aides would “probably meet requirements” (see figure 1). This finding contradicts concerns of NCLB critics. Two caveats are, however, warranted. The first is that those averages conceal quite a bit of variation, with some districts finding it more difficult to comply with the law (as explained in more detail below). The second is that the figures provided herein likely overestimate the percentage of urban teacher aides that will

meet NCLB requirements, as many districts did not provide the necessary data (17 out of 35 urban districts).

### Compliance in Urban versus Rural Districts Varies

The above findings might suggest that rural districts are more likely to be in compliance with NCLB. This would be misleading, however. While *on average* rural districts seem to be in better shape, these districts also have greater variance in terms of NCLB compliance. The percent of teacher aides that will likely meet requirements can be as low as 27 percent in rural districts, versus 62 percent in urban districts. Similarly, 8 (out of 43) rural districts indicated that an average of 24 percent of their aides would have difficulty meeting or will not meet NCLB requirements by 2006. Among the 18 urban districts reporting difficulties, this average is about 19 percent. Again, these figures might underestimate the percentage of teacher aides at risk of failing to meet the NCLB deadline, because half of those surveyed (17 out of 35 urban districts) did not provide compliance information at all. But these findings do suggest that while rural districts may, on average, be closer to complying with NCLB than urban ones, individual rural districts might face more serious difficulties in doing so.

FIGURE 1. Percentage of Paraprofessionals Meeting NCLB Requirements (mean, minimum, and maximum)



Source: Urban Institute survey (2004).

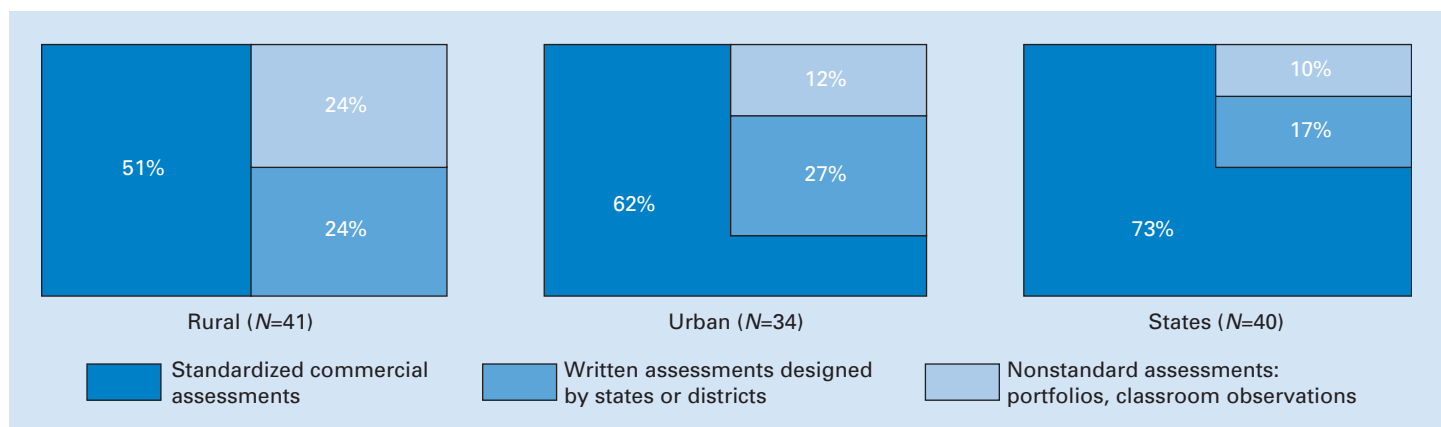
### Variation in Adoption of NCLB Requirements Yields Wide Differences throughout the Nation

NCLB does not stipulate how states should comply with its general principles. As a result, states have a great deal of flexibility, which some delegate down to the district level. In other words, states, and sometimes districts, decide how to comply with the teacher aide provisions (as is true of other provisions as well). This flexibility translates into a great deal of variation. Some states and districts have chosen to adopt a single test (and score) as the golden rule to certify aides (the ParaPro often has the honor), while others might simply require a “three-day training with test provided by the district” or offer “in-house assessments” or “training workshops.” Moreover, some jurisdictions have decided to extend NCLB requirements to all schools and programs, not just those receiving Title I funds. In California, the preschool/Head Start programs housed in a Title I school (but not funded through Title I dollars) do not have to comply with NCLB requirements, while in Virginia they do.

### Testing is the Form of Assessment Most Widely Used to Comply with NCLB

Both states and districts rely heavily on testing, particularly standardized assessments created by external experts. Offered in 59 percent of rural districts, 74 percent of urban districts, and 89 percent of states surveyed, these external assessments are also identified as the “most used” in all

FIGURE 2. Most-Used Form of Paraprofessional Assessment



Source: Urban Institute survey (2004).

Note: Percentages may not add to 100 due to rounding.

these jurisdictions (see figure 2). The ParaPro test released by ETS after NCLB was passed has rapidly become the most frequently used form of testing—prevalent in about 40 percent of rural districts, 57 percent of urban districts, and 73 percent of states participating in this study. These figures rise when considering only jurisdictions that use testing to measure paraprofessional knowledge: the ParaPro is used in 65 percent of rural and almost 80 percent of urban districts, as well as in about 80 percent of states. The second most frequently used form of standardized assessment is WorkKeys. Unlike the ParaPro which was designed in response to NCLB to test paraprofessional knowledge, the WorkKeys is an assessment of general “workplace skill[s]”.<sup>3</sup>

### Urban Districts are More Likely to Encourage Higher Education than Rural Districts

While the vast majority of districts and states indicated that teacher aides may pursue *any* of the three strategies suggested in NCLB to establish high qualifications (competency exam, two years of coursework, or associate’s degree), urban districts are more likely to encourage teacher aides to pursue an associate’s degree than rural districts. In line with this finding, urban districts surveyed are also more likely to report that they work with local institutions of higher education to design courses tailored to paraprofessionals. It will be interesting to monitor this difference in approaches used to certify paraprofessionals to find out if, over time, it contributes to urban-rural differences in the level (and quality) of staff preparation.

### Trivia Question: Is January or May 2006 the Deadline to Comply with NCLB?

Conflicting information on the deadline for compliance with NCLB provisions affecting teacher aides led us to

include a question in the survey to find out whether confusion in the literature also meant confusion among district and state staff. We found that a surprisingly large number of districts (14 percent of respondents) and states (23 percent) mistakenly believed that the NCLB deadline is May/June, instead of January, 2006. Fortunately for these districts and states, the Department of Education recently announced that the requirements would not be enforced until June.

### Policy Implications

*Lack of information.* The vast majority of districts—both urban and rural—and state departments of education reported having procedures in place to monitor compliance with NCLB. A handful of states and districts do not, however, have such mechanisms in place. This, as well as respondents’ difficulties reporting progress towards compliance both in our survey and in the (incomplete) information submitted by states to the federal government, points to an important information problem. States will soon be held accountable for an outcome that, thus far, they cannot document.

*Intent of the law: NCLB trade-offs.* The rationale behind the NCLB requirements for teacher aides is simple: to guarantee that every child is taught by staff who have the minimum qualifications lawmakers believed to be necessary to carry out the job. To schools, this presents a real dilemma. Many aides do not meet the new requirements. Some are willing to take a test approved by their district and, hopefully, pass. But, for those unwilling to take a test or unable to obtain a passing score, it does not pay to invest in further education for a job that in some districts pays about \$14,000 a year. Some jurisdictions have chosen to bypass this problem by simply watering down the requirements. Districts that have flexibility to decide how aides will comply with NCLB may, as some have, choose

to offer short training courses with an exam at the end. Others have opted for “in-house assessments.” Yet others may classify bilingual aides, who might indeed assist in instruction, as “translators,” and in that way exempt them from the NCLB requirements. This suggests that a trade-off exists: jurisdictions may adapt to NCLB by taking whatever measures will prevent a staffing problem (even if violating the intent of the law) or may seek to comply with the law and risk losing valuable staff while having difficulties recruiting replacements.

*Labor market problem.* States with a more decentralized educational structure, and hence a greater flexibility regarding district approaches to compliance, have found that this flexibility may come at a high cost. Some states reported that when districts design their own assessments, certification is granted only for employment in that district. Teacher aides, then, are only in compliance with the law as long as they remain employed by their certifying district. This creates labor market problems for teacher aides and schools, and potential compliance problems for states in the short term, because aides classified as qualified in one district would be unqualified if hired by another district with different testing requirements (and, technically, should not be able to be hired at all).

*Disruption of career ladder.* Research conducted by the Urban Institute found that teacher aides, and paraprofessionals in general, “are a rich source of potential teachers,” and are more likely to remain in teaching in high-need districts.<sup>4</sup> That research also indicates that academic preparation is a key factor associated with a successful transition from paraprofessional to teacher. NCLB, with its increased educational requirements, could assist in moving paraprofessionals up the career ladder. Are districts willing and able to capitalize on this opportunity? The findings of this research indicate that most jurisdictions are encouraging testing over further education. Some are also finding creative ways to bypass the spirit of the law in order to certify existing paraprofessionals. These districts may solve a potential short-term staffing problem, but in so doing disadvantage themselves in the long run, as they miss an opportunity to train their teacher aides. This is also true of districts that are indeed having difficulties complying with NCLB. But these districts are at a double disadvantage, as they will also likely fail to comply with the law. In jurisdictions willing and able to comply with the letter and the spirit of the law, paraprofessionals will be better prepared to pursue further studies in teacher education and eventually become teachers. Encouraging the educational development of paraprofessionals would be one way to address, albeit in

the long run, current teacher shortage problems that, at least in areas such as mathematics and bilingual education, are projected to become even worse in the future.

## Notes

1. Center on Education Policy. 2003. *From the Capital to the Classroom: State and Federal Efforts to Implement the No Child Left Behind Act*. Washington, DC: CEP.
2. Response rates: 86 percent of states; 37 percent of urban and 11 percent of rural districts that met selection criteria. Results from bias analyses revealed that the samples are largely unbiased by district nonresponse.
3. Source: <http://www.act.org/workkeys/assess/index.html>.
4. Clewell and Villegas. 2001. *Absence Unexcused: Ending Teacher Shortages in High-Need Areas*. Washington, DC: Urban Institute Press.

This research was commissioned by Recruiting New Teachers, Inc., (RNT) and funded by RNT through a grant from the Lumina Foundation for Education. RNT is a national nonprofit organization dedicated to promoting strategies for effective teacher recruitment, development, and retention. RNT recently headed up an initiative designed to assist paraprofessionals, school districts, and states in complying with the new requirements imposed by the No Child Left Behind Act (NCLB). This “National Para Readiness Initiative,” funded by the Lumina Foundation, included a review of the literature on adult learners and paraprofessionals, the creation of a guidebook and information briefs, and a survey of states and school districts. The publications are available on RNT’s web site: <http://www.recruitingteachers.org>.

The Urban Institute was asked by RNT to complete the last task—namely, to conduct a survey of U.S. states and school districts (both rural and urban). The main goal of the survey, as designed by the Urban Institute, was to provide an understanding of the issues surrounding the implementation of NCLB. Questions were crafted to assess the degree of compliance with the NCLB provisions affecting paraprofessionals, the problems faced by districts whose paraprofessionals do not to meet the new requirements, and the strategies that are being used to comply with NCLB. This brief highlights key findings and policy implications. The full report, entitled “Adult Learners/Instructional Aides Initiative: Survey of States and Districts,” may be downloaded from <http://www.urban.org>.