



**NCLB NYS Field Memo
#10-2003**

December 4, 2003

To: Charter Schools
Deans, Directors and Chairs of Teacher Education
District Superintendents of Schools
State Professional Standards and Practices Board for Teaching
Nonpublic School Administrators
Regional Certification Officers
Superintendents of Public Schools

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Subject: Guide to the NCLB's Requirements for Title I Paraprofessionals and New York State's Requirements for Teaching Assistants

Attached you will find a quick guide to the two sets of standards that must be met by some school support personnel in New York State: (1) the NCLB's requirements for Title I paraprofessionals and (2) New York State's requirements for school support personnel performing the duties of teaching assistants, which will change after February 1, 2004.

Complete information about the NCLB's requirements for Title I paraprofessionals is in NCLB NYS Field Memo #03-2003 at <http://www.highered.nysed.gov/nclbhome.htm>. Complete information about all of New York State's certification requirements can be found at <http://www.highered.nysed.gov/tcert/>.

Please continue to send your questions about the NCLB to nclbnys@mail.nysed.gov and to send your questions about State certification to tcert@mail.nysed.gov.

Part 1. What requirements apply to “school support personnel” in New York State?							
<u>Regardless of your job title</u> , if you...						...then...	
						...are you a Title I paraprofessional who must be “qualified” as required by the NCLB?	...are you required to be a State-certified teaching assistant? (See NOTE)
1	provide instructional support	and	are employed by an LEA receiving NCLB Title I, Part A funds <u>and</u> work in a TAS school	and	are paid with Title I, Part A funds	Yes <i>See Part 2</i>	Yes <i>See Part 3</i>
2	provide instructional support	and	are employed by an LEA receiving NCLB Title I, Part A funds <u>and</u> work in a TAS school	and	are NOT paid with Title I, Part A funds	No	Yes <i>See Part 3</i>
3	provide instructional support	and	are employed by an LEA receiving NCLB Title I, Part A funds <u>and</u> work in a SWP school			Yes <i>See Part 2</i>	Yes <i>See Part 3</i>
4	provide instructional support	and	are employed by an LEA receiving NCLB Title I, Part A funds <u>and</u> DO NOT work in either a TAS or a SWP school			No	Yes <i>See Part 3</i>
5	provide instructional support	and	ARE NOT employed in an LEA receiving NCLB Title I, Part A funds			No	Yes <i>See Part 3</i>
6	do not provide instructional support					No	No

DEFINITIONS

- “School support personnel” are individuals performing the duties of “teacher aides” or “teaching assistants” as defined in Section 80-5.6 of the Commissioner’s Regulations, as shown in Part 3.
- NCLB is the No Child Left Behind Act of 2001. It is also called the Elementary and Secondary Education Act (ESEA).
- LEA is “local educational agency.”
- TAS is “targeted assistance school” and SWP is “schoolwide program” school. TAS and SWP are defined in NCLB sections 1114 and 1115 at <http://www.ed.gov/policy/elsec/leg/esea02/index.html>. LEAs determine the designation for each of their schools in their applications for NCLB funds.

NOTE. A credential issued by the City School District of the City of New York prior to February 2, 2004 based on comparable qualifications is acceptable in lieu of a State teaching assistant certificate.

Part 2. What is a “qualified” Title I paraprofessional in New York State?

**All Title I Paraprofessionals must have a high school diploma or a recognized equivalent.
 Excepted as noted below, Title I Paraprofessionals must also satisfy one of the following options.
 Title I paraprofessionals hired after January 2002 should be “qualified” when hired. Others have until January 8, 2006.**

EDUCATION OPTION	OR	DEGREE OPTION	OR	STATE ASSESSMENT OPTION	OR	LOCAL ASSESSMENT OPTION
Complete 48 semester hours (credits) at a public or independent (private-not-for-profit) college or university. (Credits earned at private, for-profit institutions or non-degree postsecondary institutions are not acceptable.)		Have an associate’s or higher degree from any college or university.		Pass the New York State Assessment of Teaching Assistant Skills (NYSATAS). See http://www.nysatas.nesinc.com/ or write to heatas@mail.nysed.gov .		A. Be a State-certified teaching assistant with tenure achieved through a local evaluation required by Education Law. (Achieving tenure <u>without</u> an evaluation is not acceptable.) OR B. Pass a local assessment of the individual’s knowledge of, and ability to assist in instructing, reading / language arts, writing and math (or readiness for those subjects). A local assessment may be either developed or selected by a local educational agency and may be in any format, so long as the school district superintendent assures that it has the NCLB’s essential elements.
All employers in New York State must accept these options.						All employers must accept Option A. Employers may decide whether to accept Option B from another employer.

NOTE. Title I paraprofessionals whose sole instructional support duties consist of serving as translators or conducting parental involvement activities need only have a high school diploma. For further information about these exceptions and other NCLB requirements, see Item B2 and other items in NCLB NYS Field Memo #03-2003 at <http://www.highered.nysed.gov/nclb03-2003.htm>.

Part 3. What are the State requirements for teaching assistants in Section 80-5.6 of the Commissioner's Regulations?

Source: <http://www.highered.nysed.gov/tcert/part80.htm#5.6>

§ 80-5.6 Supplementary school personnel.

(a) Teacher aide. A teacher aide may be assigned by the board of education to assist teachers in such nonteaching duties as:

- (1) managing records, materials and equipment;
- (2) attending to the physical needs of children; and
- (3) supervising students and performing such other services as support teaching duties when such services are determined and supervised by teacher.

(b) Teaching assistant. (1) Description and duties.

(i) Description. A teaching assistant is appointed by a board of education to provide, under the general supervision of a licensed or certified teacher, direct instructional service to students.

(ii) Duties.

(a) Teaching assistants assist teachers by performing duties such as:

- (1) working with individual pupils or groups of pupils on special instructional projects;
- (2) providing the teacher with information about pupils that will assist the teacher in the development of appropriate learning experiences;
- (3) assisting pupils in the use of available instructional resources, and assisting in the development of instructional materials;
- (4) utilizing their own special skills and abilities by assisting in instructional programs in such areas as: foreign languages, arts, crafts, music and similar subjects; and
- (5) assisting in related instructional work as required.

(b) Teaching assistants who hold the pre-professional teaching assistant certificate shall have the same scope of practice as other teaching assistants, in accordance with the duties prescribed in clause (a) of this subparagraph. Within that scope of practice, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the employing district, and while under the general supervision of a teacher, perform such duties as:

- (1) working with small groups of children so the teacher can work with a large group or individual children;
- (2) helping a teacher to construct a lesson plan;
- (3) presenting segments of lesson plans, as directed by the teacher;
- (4) communicating with parents of students at a school site or as otherwise directed by a teacher; and
- (5) helping a teacher to train other teaching assistants.

(2) Licensure and certification requirements. (i) The requirements of this subparagraph shall be applicable in the event that an application has been submitted to the department on behalf of the candidate on or before February 1, 2004 for either the temporary license or continuing certificate, and upon application the candidate qualifies or has qualified for the credential; and for candidates who do not meet this condition, the requirements of subparagraph (ii) of this paragraph apply. Any such candidate employed as a teaching assistant shall hold one of the following credentials:

(a) Temporary license. Upon application of a superintendent of schools, a temporary license as a teaching assistant may be issued to a person having the qualifications defined in subclause (1) of this clause:

- (1) Preparation. The candidate shall have completed a four-year high school program or its equivalent. Such study shall be supplemented by training and experience appropriate to the position in question.
- (2) The application for this license shall be filed on forms prescribed by the commissioner and shall include the following information: the name and address of the candidate; the candidate's education; related teaching, administrative and/or supervisory experience; occupational and/or practical experience; and other unusual qualifications; a description of the teaching assistant's duties; a description of how the teaching assistant will be supervised; a description of the employing school district's in-service training program for teaching assistants and the professional staff utilizing such personnel; and a description of the district's plan for using teaching assistants.
- (3) Time validity. The temporary license shall be valid for one year from its effective date. No more than two temporary licenses may be issued to the same individual.

(b) Continuing certificate. Upon application of a superintendent of schools, a continuing certificate as a teaching assistant may be issued to a person having the qualifications defined in subclause (1) and (2) of this clause:

(1) Preparation. The candidate shall have completed six semester hours of appropriate collegiate study in or related to the field of elementary and/or secondary school service at a regionally accredited institution of higher education or at an institution approved by the department. The commissioner may approve alternative preparation as required in this paragraph.

(2) Experience. The candidate shall have completed one year of experience as a licensed teaching assistant or as a certified teacher in an approved school.

(3) Time validity. The continuing certificate shall be valid continuously, except when the holder thereof has not been regularly employed as a teaching assistant in the public schools of New York for a period of five consecutive years, in which case the validity of the certificate shall lapse.

(ii) The requirements of this subparagraph shall apply to candidates who apply on or after February 2, 2004 for a credential to work as a teaching assistant. The candidate shall apply to the department for the certificate.

(a) Level I teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination Test of Communication and Quantitative Skills.

(2) Time validity. The certificate shall be valid for one year from its effective date and shall not be renewable, unless the certificate holder submits adequate evidence of the need to renew the certificate for one additional year to meet the experience requirement for the level II teaching assistant certificate.

(b) Level II teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent and successfully completed a total of at least six semester hours of collegiate study acceptable toward meeting the requirements for a baccalaureate degree.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination Test of Communication and Quantitative Skills.

(iii) Experience. The candidate shall submit adequate evidence substantiating satisfactory employment as a teaching assistant for one school year under a level I teaching assistant certificate or under a temporary license authorizing employment as a teaching assistant.

(2) Time validity. The certificate shall be valid for two years from its effective date and shall not be renewable.

(c) Level III teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent and successfully completed a total of at least 18 semester hours of collegiate study acceptable toward meeting the requirements for a baccalaureate degree.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination *Test of Communication and Quantitative Skills* (See NOTE).

(iii) Experience. The candidate shall submit adequate evidence substantiating satisfactory employment as a teaching assistant for one school year under a level I teaching assistant certificate or a level II teaching assistant certificate or under a temporary license authorizing employment as a teaching assistant.

(2) Validity of certificate and professional development requirement. The level III teaching assistant certificate shall be continuously valid, provided that the professional development requirement prescribed in section 80-3.6 of this Part is met. The holder of the certificate shall be required to meet such professional development requirement to maintain the continued validity of the certificate.

(d) Pre-professional teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent, successfully completed a total of at least 18 semester hours of collegiate study acceptable toward meeting the requirements for a baccalaureate degree, and be matriculated in a program registered as leading to teacher certification pursuant to section 52.21 of this Title, or its equivalent, or in a program with an articulation agreement with such a program.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination *Test of Communication and Quantitative Skills* (See NOTE).

(iii) Experience. The candidate shall submit adequate evidence substantiating satisfactory employment as a teaching assistant for one school year under a level I teaching assistant certificate, a level II teaching assistant certificate, or a level III teaching assistant certificate, or under a temporary license or continuing certificate authorizing employment as a teaching assistant.

(2) Validity of certificate and renewal of certificate. The certificate shall be valid for five years from its effective date, at which time it must be renewed to be valid. In order to be renewed, the holder of the certificate shall demonstrate matriculation in a program registered as leading to teacher certification pursuant to section 52.21 of this Title, or its equivalent, or in a program with an articulation agreement with such a program, and completion during the five-year period in which the certificate is held of 30 semester hours of coursework in such a program.

NOTE:

The *New York State Assessment of Teaching Assistant Skills (NYSATAS)* has replaced the *Communications and Quantitative Skills Test (CQST)*.

Part 4. What are the application procedures for teaching assistant certificates?

On or before February 1, 2004, superintendents must submit teaching assistant applications in order to obtain a temporary teaching assistant license for individuals under the current regulations. There will be no temporary teaching assistant licenses issued after February 2, 2004. Individuals holding a temporary teaching assistant license as of that date will be eligible to apply for a continuing certificate when they meet the requirements for that certificate. Applications for teaching assistant certificates are generally available from a school district's human resource office. However, applications may be requested by calling (518) 474-3901.

On or after February 1, 2004, superintendents will no longer apply for a teaching assistant certificate on behalf of an individual. All candidates for a teaching assistant certificate must meet the qualifications and apply directly to the New York State Education Department for certification. Please refer to the Office of Teaching Initiative's Web site for information on the new regulations for teaching assistants at <http://www.highered.nysed.gov/tcert/part80.htm#5.6>. The Teaching Assistant Certificate Application and Guide will be available in mid-December. Candidates will be able to download the application from the Office of Teaching Initiatives Web site at <http://www.highered.nysed.gov/tcert> or request copies by calling (518) 474-3901.