



INFORMATION BULLETIN

Teacher Aides and Teaching Assistants *NCLB Requirements for Paraprofessionals*

The new federal No Child Left Behind (NCLB) Act, has generated a great deal of confusion and misinformation regarding the qualifications of paraprofessionals.

Through intense discussions with the State Education Department, NYSUT was able to get new interpretations regarding how paraprofessionals in New York would qualify under NCLB. The key points are:

- ✓ The State Education Department now clearly states that an individual's job title, which is established by an employer, is not relevant for determining whether an individual must meet either the state's or the NCLB's requirements. If an individual's **job duties** include providing instructional support, the individual is serving as a "teacher assistant" (or in a comparable position in New York City) and must be certified (or meet applicable New York City requirements). If an individual's job duties include providing instructional support **and** the individual is "working in a program supported with Title I funds," the individual is a Title I paraprofessional and must meet **both** state (or New York City) and NCLB requirements.
- ✓ NYSUT pushed hard to insure that teaching assistants already in the system got credit for their hard work and experience. The State Education Department has determined that, "under New York State policy, teaching assistants **who are state certified and have achieved tenure** in a review conducted in accordance with appropriate Education Laws have met the NCLB's criteria for the assessment option." **No additional tests or courses are required.** In New York City paraprofessionals will be qualified under NCLB through an individual evaluation.
- ✓ Finally, the State Education Department has determined that the new state test for teaching assistants, the Assessment of Teaching Assistant Skills test, will satisfy the requirements of state certification beginning in September 2004 **and** will qualify appropriate individuals under NCLB.

This Information Bulletin contains the following attachments:

- Attachment A** An excerpt from the New York State's Consolidated State application to the federal government that states "paraprofessionals covered by NCLB requirements are teaching assistants in New York State;"
- Attachment B** SED Field Memo # 03-2007, Updated Fact Sheet with Highlights of the NCLB's and IDEA's Requirements for Teachers and Title I Paraprofessionals in New York State; and
- Attachment C** NCLB Fact Sheet 5 – Paraprofessionals

**Please also refer to Information Bulletin No. 200610 –
New Certification Requirements for Teaching Assistants**

No. 200811

(Updates and replaces 990025, 979812 and 200301 and 200312)

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Attachment A

Excerpt from:

NEW YORK STATE'S CONSOLIDATED STATE APPLICATION

(December 2006 Revision - Page 23)

Ensure that all paraprofessionals (excluding those working with parents or as translators) attain the qualifications stated in sections 1119(c) and (d) by the 2005-2006 school year.

The paraprofessionals covered by NCLB requirements are "teaching assistants" in New York State. This occupation is regulated by the New York State Board of Regents with a defined scope of practice, and it requires certification. As part of a pre-existing policy initiative, the Regents adopted regulations requiring all candidates applying for a teaching assistant certificate after February 1, 2004, (with an effective date of September 1, 2004) to pass a new State examination. Development of the new State examination, the Communications and Quantitative Skills Test, will be completed no later than June 30, 2004. The test will ensure that certified teaching assistants have knowledge of and the ability to assist in teaching reading, writing and math or readiness for those subjects, as required by NCLB.

Paraprofessionals certified before February 2, 2004, may satisfy NCLB requirements by completing at least two years of study at an institution of higher education, by earning an associate's degree, or by completing a local assessment. If they do not meet those educational standards, they will be able to demonstrate their qualifications by taking the State examination once it is available. The Department will ask school districts to report on the qualifications of their teaching assistants in Title I schools so that progress toward meeting the 2005-2006 goal can be monitored.

Attachment B

Excerpt from:

UPDATED FACT SHEET WITH HIGHLIGHTS OF THE NCLB'S AND IDEA'S REQUIREMENTS FOR TEACHERS AND TITLE I PARAPROFESSIONALS IN NEW YORK STATE

(NYS Education Department NCLB Field Memo #03-2007; Pages 15-22)

Part B

NCLB Requirements for "Qualified" Title I Paraprofessionals

- B1. A Title I paraprofessional is an individual who (1) has instructional support duties and (2) works in a program supported with NCLB Title I, Part A funds, as defined in Item B3.
- B2. Title I paraprofessionals, as defined in Item B1, must meet both State and federal requirements. They must be:
- State certified teaching assistants (or have met comparable New York City requirements by February 2, 2004); and
 - "qualified," as defined by the NCLB by the deadlines in the NCLB.
- An individual's job title, which is determined by an employer, is not relevant for determining whether an individual is subject to either the State's or NCLB's requirements. If an individual's job duties include providing instructional support, the individual is serving as a "teaching assistant" and must be certified (or have met comparable New York City requirements prior to February 2, 2004). If an individual's job duties include providing instructional support and the individual is "working in a program supported with Title I funds," the individual is a Title I paraprofessional and must meet both State and NCLB requirements.
- B3. A paraprofessional "working in a program supported by Title I, Part A funds" is employed by an LEA receiving Title I, Part A funds and:
- works in a "targeted assistance school" and is paid with Title I, Part A funds; or
 - works in a "schoolwide program school"; or
 - provides instructional support to a public school teacher who provides equitable services to eligible private school students.
- BOCES, CVEEBs, State Schools, Special Act School Districts and schools operated by other State agencies are not LEAs receiving Title I, Part A funds. Therefore, paraprofessionals employed by these entities are not subject to the NCLB, regardless of where they provide services.
- B4. The NCLB permits Title I paraprofessionals to perform the following duties:
- providing instructional support services;
 - one-on-one tutoring for eligible students if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
 - assisting in classroom management;
 - assisting in computer instruction;
 - providing instructional support in a library or media center;
 - conducting parent involvement activities; or
 - acting as a translator.
- B5. The NCLB requires all Title I paraprofessionals to perform their duties under the direct supervision of a "highly qualified" teacher. This means:
- the teacher must plan instructional activities that the paraprofessional carries out;

- the teacher must evaluate the achievement of the students with whom the paraprofessional is working; and
 - the paraprofessional must work in close and frequent physical proximity to the teacher.
- B6. Title I paraprofessionals must have been “qualified” by the end of school year 2005-2006 in order for their positions to continue being funded by Title I funds.
- B7. A "qualified" Title I paraprofessional has a high school diploma or a recognized equivalent when hired and meets one of the following (unless covered by an exception):
- has at least two years of college; or
 - has an associate’s or higher degree; or
 - has passed a formal State or local academic assessment.
- EXCEPTIONS. Title I paraprofessionals need only have a high school diploma or a recognized equivalent to be "qualified" if their duties consist solely of:
- translating from languages other than English to enhance the participation of limited English proficient children in Title I programs; or
 - conducting parental involvement activities.
- B8. Education Options. The two educational options for being a "qualified" Title I paraprofessional are:
- two years of study (48 semester hours) at a public college or university (e.g., SUNY, CUNY) or an independent college or university; or
 - an associate's or higher degree.
- B9. Assessment Options. The assessment option for being a "qualified" Title I paraprofessional in New York State is either the State assessment (see Item B10 of this Fact Sheet) or a local assessment (see Item B11 of this Fact Sheet).
- B10. State Assessment Option. The State assessment – the New York State Assessment of Teaching Assistant Skills (NYSATAS) – serves both State and NCLB purposes. The NYSATAS is required for all candidates for State teaching assistant certificates who apply after February 1, 2004. For information about the NYSATAS, see <http://www.highered.nysed.gov/tcert/certificate/atas.htm> or write to HEATAS@mail.nysed.gov. Individuals who pass the NYSATAS are “qualified” as Title I paraprofessionals in every LEA in New York State.
- B11. Local Assessment Options. An LEA may use a locally developed or selected assessment provided that the LEA’s superintendent provides assurances that the local assessment addresses knowledge of, and the ability to assist in teaching, as appropriate:
- reading/language arts, writing and math; or
 - reading readiness, writing readiness and math readiness.

Local assessments may be in any format, including:

- written assessments;
- tenure reviews;
- performance reviews;
- combinations of the above; or
- other types of assessments.

Commercial products that can be used as a local assessment include:

- the Educational Testing Service's *ParaPro*, described at <http://www.parapro@ets.org> or (609) 771-7395; or
- the ACT *WorkKeys Proficiency Certificate for Teacher Assistants*, described at www.act.org/workkeys/profcert or (800) WORKKEY.

Tenure reviews may be used as local assessments. It is New York State policy that teaching assistants who are State-certified and have achieved tenure in a review conducted in accordance with Education Law sections 2509(2), 3012(2) or 2573 have met the NCLB's criteria for the local assessment. (Teaching assistants, who achieve tenure through estoppel, or default, have not passed a local assessment.)

Procedural recommendations for local assessments. SED recommends that NCLB local assessments for Title I paraprofessionals be:

- documented;
- signed and dated by the test taker and evaluator, as applicable;
- consistently used for all candidates in the same school year; and
- retained in LEA records for no less than six years from the end of the last school year in which the individual is employed.

Part C

NCLB Planning, Accountability and Professional Development Requirements Related to Teachers and Title I Paraprofessionals

- C1. Each LEA receiving NCLB Title I, Part A funds must provide attestations as to whether it is in compliance with the NCLB's and IDEA's requirements for teachers and Title I paraprofessionals.
- The principal of each school receiving Title I funds must attest annually, in writing, as to whether the school is in compliance.
 - Copies of the attestation must be maintained in the district office and the school and made available upon request to the public.
- C2. Each LEA receiving Title I, Part A funds must have a plan to ensure that:
- all public school teachers of core academic subjects, including teachers employed by the LEA to provide services to eligible private school students, are "highly qualified" no later than the end of school year 2005-2006 or June 2007, as explained in Item A5 of this Fact Sheet; and
 - all public school teachers of core academic subjects are receiving high quality professional development, as defined in section 9101(34) of the NCLB, to enable them to become "highly qualified" and effective classroom teachers; and
 - through incentives for voluntary transfers, professional development, recruitment programs, or other effective strategies, minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers.
- This third requirement is known as the "equitable distribution of teachers" (EDT) requirement. The USDOE requires LEAs to address each of these three requirements. SED must address each of the three requirements as part of its monitoring, technical assistance and funding procedures.
- C3. Prior to June 2006, each LEA and each school receiving NCLB Title I, Part A funds was required to increase annually, at a pace that would reach 100 percent by the end of school year 2005-2006, the percentage of teachers of core academic subjects that were (1) "highly qualified" to teach those subjects and (2) receiving high quality professional development. Those annual increases were each LEA's and each school's Annual Measurable Objectives (AMOs). After June 2006, the

following Annual Measurable Objectives apply, based on numeric standards that the USDOE is using to assess New York State's progress.

- Using 2004-2005 Basic Education Data System (BEDS) data, LEAs and schools must have at least 90 percent of core classes taught by "highly qualified" teachers in order to meet the statewide AMO.
- Using 2005-2006 BEDS data, LEAs and schools must have at least 95 percent of core classes taught by "highly qualified" teachers in order to meet the statewide AMO.
- Using 2006-2007 BEDS data, LEAs and schools must have 100 percent of core classes taught by "highly qualified" teachers in order to meet the statewide AMO. However, adjustments will be made for LEAs whose teachers have extended deadlines described in Item A5.

Item C6 describes the consequences for LEAs that do not meet these AMOs.

- C4. An LEA receiving NCLB Title I, Part A funds must use such funds for professional development activities to ensure that teachers and Title I paraprofessionals meet the NCLB's and IDEA's requirements.
- For each fiscal year after 2003, an LEA must use not less than five percent of its NCLB Title I, Part A, Subpart A funds for professional development, except as noted below.
 - An LEA is not required to spend the percentage shown above for a given fiscal year if a lesser amount is sufficient to ensure that the LEA's teachers and Title I paraprofessionals meet the NCLB's requirements.
 - An LEA may use additional NCLB Title I, Part A, Subpart A funds to support ongoing training and professional development to assist teachers and Title I paraprofessionals.
- LEAs may also use other NCLB funds, or other funds, to provide "high quality professional development," as defined in Part J of this Fact Sheet, to teachers and Title I paraprofessionals.
- C5. Annual public reports must show:
- the percent of teachers of core academic subjects that are "highly qualified";
 - the percent of classes in core academic subjects being taught by teachers who are not "highly qualified" to teach the classes;
 - the percent of teachers of core academic subjects receiving high quality professional development; and
 - the percent of Title I paraprofessionals that are "qualified."

BEDS REPORTING. SED continues to enhance its Basic Educational Data System (BEDS) to comply with the NCLB's reporting. Starting in fall 2006, SED will collect data on LEAs' use of the HOUSSE in order to document reduced reliance on the HOUSSE, as required by the USDOE. LEAs should maintain records on the qualifications and professional development of teachers and the qualifications of Title I paraprofessionals for no less than six years from the end of the last school year in which the individual was employed. LEAs should also have internal controls for ensuring the accuracy and completeness of their BEDS data each year. State monitoring of LEAs' use of Title II-A funds includes data quality reviews, just as federal monitoring of the State's use of Title II-A funds addresses data quality issues.

- C6. Section 2141 of the NCLB requires SED to use the following accountability system for teacher quality.
- Each year, SED must identify each NCLB Title I LEA that (1) was in Improvement Status for failing to meet Adequate Yearly Progress (AYP) for three consecutive years; and (2) did not meet the statewide AMO for teacher quality in the most recent year. For these LEAs, SED must enter

into an agreement with the LEA on the use of NCLB Title II funds. As part of the agreement, SED must (1) develop, in conjunction with the LEA, its teachers and its principals, professional development strategies and activities, based on scientifically based research, that the LEA will use to meet the AMO and SED must require the LEA to utilize such strategies and activities; (2) prohibit the use of Title I-A funds to fund any paraprofessional hired after the date such determination is made unless (a) the LEA can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under Title I and that such new paraprofessional meets the NCLB definition of “qualified;” or (b) the LEA can demonstrate that a significant influx of population has substantially increased enrollment; or (c) the LEA can demonstrate that there is an increased need for translators or assistance with parental involvement activities. During the development of the professional development strategies and activities, SED must, in conjunction with the LEA, provide from funds allocated to the LEA directly to one or more schools served by the LEA to enable teachers at the school to choose, with continuing consultation of the principal involved, professional development activities that meet the NCLB definition of professional development and are coordinated with other reforms at the schools.

- Each year, SED must identify NCLB Title I LEAs that did not meet the statewide AMO for the most recent year but that were not identified above. SED must require these LEAs to develop an improvement plan that (1) will enable them to meet the applicable statewide AMO for each school year and (2) specifically addresses issues that prevented them from meeting the most recent AMO.

C7. Other NCLB-required sanctions may apply to LEAs that fail to make AYP. However, those sanctions should not "be construed to alter or otherwise affect the rights, remedies and procedures afforded schools or school district employees under Federal, State or local law... or under the terms of collective bargaining agreements, memoranda of understanding or other agreements between such employees and their employers." [NCLB section 1116(d)]

C8. The NCLB requires all public school teachers of core academic subjects to receive “high-quality” professional development. According to technical assistance SED received from the USDOE, this requirement is not limited to public school teachers of core academic subjects who are not yet “highly qualified.” The USDOE indicates that this requirement applies broadly to all public school teachers of core academic subjects, even those who are already “highly qualified,” because the NCLB requires teachers of core academic subjects to be both “highly qualified” and “effective.”

Planning and scheduling for the NCLB’s professional development requirement is a local responsibility which must be achieved through the development and implementation of the LEA’s Professional Development Plan (PDP) required under section 100.2(dd) of the Commissioner’s Regulations.

SED provides technical assistance for LEAs and schools, and supports professional development in many ways. Examples include: the Mathematics Institute; the Reading Institute; the New York State Reading Academy; the New York State Reading Resource Center; the Early Literacy Guidance publication; the New York State Virtual Learning Space; seven Regional Support Centers; the New York State Mentor Teacher Internship Program; the New York State Teacher Resource and Computer Training Centers; the Teacher/Leadership Quality Partnership Program; and the Special Education Teacher Quality Initiative, which includes a State Improvement Grant for low-performing schools and the Higher Education Support Center at Syracuse University.

- C9. LEAs receiving Title I, Part A funds must spend no less than five percent of their Title I, Part A funds on professional development for teachers and Title I paraprofessionals – unless a lesser amount is sufficient to ensure that teachers and Title I paraprofessionals meet the NCLB’s requirements. LEAs may spend more than five percent to support ongoing training and professional development to assist teachers and paraprofessionals in carrying out activities under Title I, Part A, Subpart A. [34 CFR 200.60]
- C10. “High-quality” professional development is professional development that reflects the principles expressed in the definition in section 9101(34), which appears in Part J of this Fact Sheet. In addition, the USDOE indicates that “effective teacher professional development is more than just coursework designed to fill a State or district requirement. It is a set of activities that produces a demonstrable and measurable effect on student academic achievement.” The NCLB “emphasizes that effective professional development must be grounded in scientifically based research,” as defined in section 9101(37) of the NCLB and shown in Part J of this Fact Sheet. “Professional development works best when it is part of a systemwide effort to improve and integrate teacher quality at all stages: preparation, induction, support, and ongoing development.” The USDOE indicates that section 9101(34) is not meant to be a “check-off list.” Rather, the NCLB’s definition of professional development expresses a statutory set of principles that apply to NCLB-funded professional development as a whole, and that must guide how SEAs, LEAs, and others supported by the NCLB think about, design and implement the forms of professional development that teachers need. [USDOE, December 2002]

Title II of the NCLB provides funds for preparing, training and recruiting high quality teachers and principals. The NCLB’s definition of professional development states that professional development activities “are not one-day or short-term workshops or conferences” [section 9101(34)((A)(v)(II)]. Therefore, under the NCLB, participation at these short-term workshops and conferences is not, by itself, professional development, and so Title II, Part A funds may not pay the costs of registration and attendance at these short-term workshops or conferences as allowable “professional development” unless certain conditions are met. Title II, Part A funds may be used to pay the costs associated with having teachers and other LEA staff attend one-day or short-term workshops or conferences only if they are part of, and integral to, professional development activities that meet the other elements of section 9101(34). For example, consistent with the results of its Title II, Part A needs assessment, an LEA might design a comprehensive set of intensive training opportunities that:

1. conform to the principles in the statutory definition; and
2. carefully use participation at a short-term workshop or conference to reinforce or lay the groundwork as part of a larger, systemic, professional development plan. [USDOE, December 2002]

In New York State, all professional development activities, including those funded by federal NCLB initiatives, must be developed as part of an LEA’s required Professional Development Plan (PDP). A PDP may be part of a comprehensive district education plan (CDEP) of a school district or a BOCES, provided that the PDP meets all the requirements in section 100.2(dd) of the Commissioner’s Regulations, available at <http://www.emsc.nysed.gov/part100/part10012j.pdf> or http://www.emsc.nysed.gov/development/regulations_pdp.htm.



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NO CHILD LEFT BEHIND ACT OF 2001:
REAUTHORIZATION OF ELEMENTARY AND
SECONDARY EDUCATION ACT

Research and Educational Services

FACT SHEET 5: PARAPROFESSIONALS

STATUTORY SUMMARY —

PARAPROFESSIONALS COVERED BY THE LAW

Title I: Section 1119 established new requirements for new and currently employed paraprofessionals who provide instructional services and are working in a program supported with Title I, Part A funds.

The U.S. Department of Education (USDOE) regulations clarify that “working in a program” supported by Title I funds refers to paraprofessionals in a targeted assistance school who are paid with Part A funds, or any paraprofessional in a “school-wide program” school. Targeted Assistance programs include one-on-one tutoring, after school or pullout programs. According to USDOE guidance, for those paraprofessionals in a school-wide program, these requirements apply “without regard to the source of funding of the positions.”

NEW YORK STATE EDUCATION DEPARTMENT POSITION

Obviously these requirements raised many questions among paraprofessionals currently employed in schools across our state. Through intense discussions with the State Education Department, NYSUT was able to get clarification regarding how paraprofessionals in New York would qualify under No Child Left Behind (NCLB) (See IB# 200312, Teacher Aides and Teaching Assistants - NCLB Requirements for Paraprofessionals). Three key points provide this clarification.

- SED clearly states that **an individual’s job title**, which is established by an employer, **is not relevant for determining** whether an individual is subject to either the state’s or the NCLB’s requirements. Rather, job duties are the guiding factor. If an individual’s job duties include providing instructional support, the individual is serving as a “teaching assistant” (or in a comparable position in New York City) and must be state certified (or meet applicable New York City requirements). If an individual’s job duties include providing instructional support and the individual is “working in a program supported with Title I funds,” the individual is a Title I paraprofessional and must meet both state (or New York City) certification requirements and NCLB requirements.
- Regarding NCLB requirements, the State Education Department has further determined that, “under New York State policy, teaching assistants who are **state certified and have achieved tenure** in a review conducted in accordance with Education Law sections 2509(2), 3012(2) or 2573 have met the NCLB’s criteria for the assessment option.” **No additional tests or courses are required.** In New York City paraprofessionals will be qualified under NCLB through an individual evaluation.
- Finally, the State Education Department has determined that the new state test for teaching assistants, the Assessment of Teaching Assistant Skills test, will satisfy the requirements of state certification beginning in September 2004 and will qualify appropriate individuals under NCLB.

PARAPROFESSIONALS EXEMPTED FROM THE LAW

Section 1119 of NCLB exempts paraprofessionals working primarily as translators or solely on parental involvement activities, from the requirements described below. In addition, guidance from the USDOE indicates that the term “paraprofessional” does not include individuals who have only non-instructional duties such as providing technical support for computers, providing personal care services or performing clerical duties.

NEW PARAPROFESSIONALS QUALIFIED UNDER NCLB

As of **January 8, 2002**, newly hired paraprofessionals must have:

- ▶ completed at least two years of study at an institution of higher education;
- ▶ obtained an associate's degree or higher degree; or
- ▶ met a rigorous standard of quality that demonstrates, through a formal State or local academic assessment:
 - knowledge of and the ability to assist in instructing, reading, writing and mathematics; or
 - knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and math readiness.
(This applies to those primarily working with early childhood.)

EXISTING PARAPROFESSIONALS QUALIFIED UNDER NCLB

Paraprofessionals hired prior to **January 8, 2002** have until January 2006 to meet the new requirements noted above.

ALL PARAPROFESSIONALS

Effective **January 8, 2002**, all paraprofessionals, regardless of hiring dates, must possess a high school diploma or its recognized equivalent. This includes even those working primarily as translators or solely in parental involvement activities.

DUTIES OF PARAPROFESSIONALS

Section 200.59(b) of the Code of Federal Regulations describe specific instructional support duties that may be assigned to a paraprofessional including:

- providing one-on-one tutoring for eligible students, if tutoring is scheduled at a time when a student would not otherwise receive instruction by a teacher;
- assisting in classroom management;
- assisting in computer instruction;
- conducting parental involvement activities;
- providing instructional support in a library or media center;
- acting as a translator; or
- providing instructional support services.

A paraprofessional may not provide instructional support unless the paraprofessional is working under the direct supervision of a teacher. Federal guidance contains an explanation of "direct supervision" as required by the NCLB. It states that a paraprofessional works under the direct supervision of a teacher if:

- (i) The teacher plans the instructional activities that the paraprofessional carries out;
- (ii) The teacher evaluates the achievement of the students with whom the paraprofessional is working; and
- (iii) The paraprofessional works in close and frequent physical proximity to the teacher.

TEACHER AIDES AND TEACHING ASSISTANTS IN NEW YORK STATE

Teacher Aide

Section 80-5.6(a) of Commissioner's Regulations state that a teacher aide may be assigned nonteaching duties such 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.

Teaching Assistant

According to State Education Law 3009(2)(b), a teaching assistant works under the general supervision of a teacher. NCLB calls for “direct” supervision. (See previous section on “Duties of Paraprofessionals”)

Commissioner’s Regulations, Section 80-5.6(b)(1)(ii)(a) describe the duties of a teaching assistant as follows:

- (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 projects; and
- (5) assisting in related instructional work as required.

RESOURCES FOR TRAINING AND SUPPORT —

A school district may use its Title I funds to support ongoing training and professional development to assist paraprofessionals in satisfying the above requirements. In addition, these funds may be combined with funds provided under Title II of NCLB, as well as other sources designated under NCLB. Should the school district fail to make Adequate Yearly Progress (AYP) for three consecutive years, the state must prohibit the use of funds to support newly hired paraprofessionals. They can however, fill vacancies, or add staff in the event of an increase in student enrollment.

NYSUT is prepared to assist paraprofessionals to become certified teaching assistants and to qualify under NCLB. The NYSUT Education and Learning Trust offers a test preparation program to assist members taking the Assessment of Teaching Assistant Skills (ATAS) and undergraduate courses for those who must meet state certification requirements for teaching assistants. For more information contact the Trust at 1-800-528-6208.

— ADVICE TO LOCAL LEADERS —

1. Examine the tasks performed by teaching aides and teaching assistants in Title I schools and programs to determine which individuals are required to comply with Title I federal requirements and Part 80 of Commissioner’s Regulations.
2. Survey your members to determine the amount of schooling they have completed (the number of credits and courses they have taken) and what degrees, if any, they’ve earned. Identify those who will need assistance to meet the new requirements.
3. Assess the existing professional development opportunities available to your members, provided by: the district, the union, the NYSUT Education and Learning Trust, local colleges or other entities.
4. Investigate what financial resources are available to provide support for tuition, tests, textbooks, etc.
5. Consult your Labor Relations Specialist on the appropriate placement of teaching assistants and teacher aides in the appropriate bargaining unit.

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