

What you should know

*about new requirements
for paraprofessionals
who help children learn*



A Publication of



New York State United Teachers

Making sense of apples and oranges

Dear School-Related Professional:

New York State United Teachers and our national affiliate, the American Federation of Teachers, are committed to high standards in public education for students and school personnel. As the voice for thousands of dedicated individuals who work in public schools in New York state, NYSUT wants to make sure every member has the information, professional development and support needed to meet high standards on the job. This publication offers detailed information about state and federal requirements for education paraprofessionals.

A new federal law (“No Child Left Behind,” also known as NCLB) outlines several rigorous options for meeting the standard of a “qualified” paraprofessional. In months of tough negotiations with the State Education Department, NYSUT leaders made the point that experienced teaching assistants should not have to jump through new hoops to meet the federal requirements. Thanks to NYSUT’s persistence, state officials eventually agreed that teaching assistants who are state-certified and who have tenure will automatically meet the new federal requirements for Title I programs. This affects 30,000 experienced paraprofessionals around the state who otherwise would have been forced to complete two years of college, have an associate’s degree or pass a written assessment to keep their jobs.

And in New York City, paraprofessionals will be able to meet the federal requirements through an individual evaluation. The United Federation of Teachers, which represents paras in New York City, negotiates specifics of the evaluations, which will take into account on-the-job experience. No additional tests or courses will be required.

Thankfully, your unions’ negotiations have prevented some of the most burdensome consequences of the new rules, but I can tell you that many challenges remain. Speaking about the differences in federal and state requirements, one of our paraprofessional leaders noted: “It’s like comparing apples and oranges.” We will continue to press for improvements in these complicated “apples and oranges” requirements. On your behalf, NYSUT and the AFT will keep up the pressure to convince bureaucrats that they must eliminate overlapping, confusing regulations and red tape.

This information is designed to help you answer important questions, whether you are experienced or new on the job. For example: “How do I know if I work in a Title I school? How do I qualify for state certification? Where can I find courses to help me prepare?” NYSUT provides answers to these and other questions, and stands ready to help in every way as we work together to help students learn.

In solidarity,



Antonia Cortese
First Vice President
New York State United Teachers

What you should know

about new state and federal requirements for paraprofessionals who help children learn

There's no more important job in the world than helping children learn. If you assist teachers in helping students to learn, you are a key part of the educational team.

Both the state and federal governments have rules about the qualifications you must have. These rules are complicated and can seem overwhelming. That's where NYSUT comes in. Your statewide union – New York State United Teachers – is here to help with information about state and federal rules that affect you. NYSUT also is working hard on your behalf to untangle red tape and to convince the powers-that-be that job requirements should be clear and reasonable.

Why this information is important

You need to know how these rules affect you because in a worst-case scenario, if you can't meet the requirements, a school district could change your duties or your job could be threatened.

The information in this guide is just a starting place. Some rules apply to people who have been on the job a long time, while other rules apply only to newer hires. Please read this guide all the way through to make sure you know all about state and federal rules that could affect your job. For specific questions about your own situation, it is best to talk with your representatives of your local union.

If you work in New York City, the United Federation of Teachers is your best source for information, because job descriptions there are unique. For example, New York City uses the word “paraprofessional” when referring to people who would be called teaching assistants in other parts of the state. So if you work in New York City schools, rely on the UFT for specific expertise on job requirements.

Some terms

Some people use the term “paraprofessional” loosely to describe many different jobs in a school district. The state and federal rules that we are talking about in this guide apply only to *paraprofessionals in instructional support services*. That generally means people who do the jobs of teaching assistants.

But — and this is a big BUT — you might not have the *title* of “teaching assistant,” and yet these rules could still apply to you. The State Education Department says that what matters *isn't* your title, *it's your job duties*. If you provide “instructional support,” you are working as a teaching assistant, no matter what your title says. And in that case, state and federal requirements typically apply. If you are performing the duties of a teaching assistant, your district should be initiating an application for you to be state-certified.

If you are performing the duties of a teacher aide, state certification requirements do *not* apply to you. Teacher aides who work in Title I programs or schools are required under federal rules to have a high school diploma.

Determining if you're affected

So how do you know if you're doing the work of a teaching assistant or a teacher aide?

Here are some of the duties New York state says are performed by **teacher aides**:

- You prepare scripts for recording purposes;
- You assist in the monitoring and technical operation of language or computer labs;
- You assist in physical care tasks and health-related activities;
- You assist students with behavior management needs;
- You assist in the technical preparation and production of media programs;
- You assist in proctoring and other tasks related to administering exams;
- You assist in correcting tests, recording grades, maintaining files and preparing statistical reports.

If you are performing the duties of a teacher's aide, then you are **not** required to earn state certification. You are **not** required to meet federal requirements.

By contrast, here are some examples of the duties New York state says are performed by **teaching assistants**:

- You provide one-on-one tutoring for a student when the student isn't being taught by a teacher;
- You work with individual students or groups on special instructional projects;
- You provide the teacher with information about students which will help the teacher develop appropriate learning and behavioral experiences;
- You help students use available resources and help develop instructional materials;
- You assist in related instructional work.

If this list reflects what you do on the job, then you are performing the duties of a teaching assistant. State requirements apply to you and your district should be initiating an application for you to be state certified. (And if you do this work in a Title I program or school, federal rules apply to you, too. We'll explain those later on.)

What NEW YORK STATE requires

Let's say you've determined that your job duties are those of a teaching assistant: You are providing instructional support services. In that case, no matter what your title is, New York state requires you to be *certified* as a teaching assistant. There are two different sets of requirements.

✓ **The old requirements cover anyone whose application is filed on or before Feb. 1, 2004 for a state credential to work as a teaching assistant. Under the old state rules:**

■ To get hired to work as a teaching assistant you must have a high school diploma or its equivalent.

■ Once you're hired to work as a teaching assistant, your district applies for you to receive a temporary one-year license (which can be renewed for one additional year).

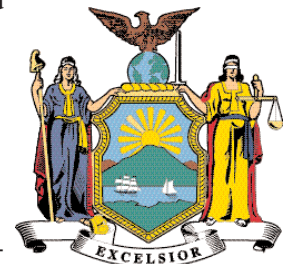
■ Next, your district applies for you to receive a permanent ("continuing") state teaching assistant certificate, after you successfully complete one year of experience as a teaching assistant and six semester hours of relevant college courses.

✓ **The new requirements cover anyone who applies on or after Feb. 2, 2004 for a state credential to work as a teaching assistant. The new system introduces a whole series of four different certificates (Levels I, II, III and Pre-Professional) that eventually can lead to preparation to be a teacher; you eventually must achieve at least a Level III. And the requirements are rigorous. Under the new state rules:**

■ To get hired to work as a teaching assistant, you must have a high school diploma and pass a basic skills test, the state Assessment of Teaching Assistant Skills (ATAS). You then will start working on a series of requirements that lead to a continuously valid state teaching assistant certificate.

■ Ultimately, to earn a continuously valid state teaching assistant certificate, you also will have to complete at least 18 semester hours of college courses. (Plus, to keep that state certification, you will have to complete 75 hours of district-provided professional training every five years thereafter.)

The chart that follows gives you more specifics on state teaching assistant certificates.



NYS Certificate Types for Teaching Assistants

	CERTIFICATE	PURPOSE	NOTES
For those applying for a credential on or before 2/1/04	Temporary License	Entry credential	Available until 2/1/04 Valid for one year No more than two temporary licenses to same person
	Continuing Certificate	Final credential after temporary license	Continuously valid unless you have not been employed as a teaching assistant for five consecutive years
For those applying for a credential on or after 2/2/04	Level I	Entry credential for TA	Available beginning 2/2/04 Valid for one year. If you need additional time, it may be renewed
	Level II	Progressive credential after Level I	Available beginning 2/02/04 Valid for two years
	Level III	Progressive credential after Level II	Available beginning 2/02/04 Continuously valid with fulfillment of professional development requirement
	Pre-professional	An elective credential after Level III	Available beginning 2/02/04 Valid for five years May be renewed once Progressive credential toward initial certification in teaching title



Source: NYSUT Division of Research and Educational Services

The new state requirements are a high standard for an important job. You would think those would be enough. But — remember the apples and oranges — the federal government also has some requirements for people who perform the duties of teaching assistants. The good news is that your statewide union, New York State United Teachers, fought to make sure experienced teaching assistants wouldn't have to jump through a whole new set of hoops to meet these requirements.

Still, the federal rules are complicated. They are explained in the next section.

What the FEDERAL GOVERNMENT requires

The federal “No Child Left Behind” Act of 2001 set new requirements for anyone who provides instructional support services in programs or schools that receive federal Title I funds. (If you perform the duties of a teacher aide, you must have a high school diploma; other federal requirements do *not* apply to you.) The federal rules say you must be qualified. The feds leave it up to each state to define what “qualified” means.



High school diploma required

For starters, the federal government now requires *anyone* providing instructional support services in Title I schools, regardless of job duties or hiring date, to possess a high school diploma or its equivalent. Requiring a high

school diploma coincides with the entry-level state requirements for teaching assistants, but the federal rules go one step further: you are also required to have a high school diploma even if you work primarily as a translator or in parent involvement activities in a Title I school.

Other federal requirements apply

In addition to a high school diploma, additional federal requirements apply to those who perform the duties of teaching assistants – but there is good news for those with on-the-job experience. In months of negotiations with the State Education Department, New York State United Teachers leaders pressed the point that experienced teaching assistants should receive credit for expertise gained on the job. State officials eventually agreed that teaching assistants who are state-certified and who have tenure would automatically meet the new federal requirements for Title I programs. This affects 30,000 people statewide who otherwise would be required either to complete two years of college, have an associate's degree or pass a written state or local assessment to keep their jobs.

In New York City, instructional paraprofessionals will be qualified to meet the federal standards through individual evaluations. The United Federation of Teachers is negotiating specifics of the evaluations, which will credit paras for on-the-job experience. No additional tests or courses will be required.

Just as in state certification, when it comes to meeting the new federal requirements, it shouldn't matter what job title your employer gives you. Titles vary across the state. What counts is the *kind* of work you do. If you work under the supervision of a teacher to provide instruction to students, you are working as a teaching assistant.

If you do this work in a school that receives federal Title I funding, you must meet the federal requirements for anyone performing the duties of a teaching assistant.

Unfortunately, many districts mistakenly believe that the title – not your job duties – determines whether you must be state-certified. That is not the case. Since it is the district that assigns your duties and must file your certification application, you should always consult a representative of your local union if you feel you are not classified correctly.

To recap: In New York state, teaching assistants who are state-certified and have achieved tenure have met the federal requirements. If you were hired on or before Jan. 8, 2002, you still have until Feb. 1, 2004 to seek certification under the old rules. For this to happen, your district would have to file by Feb. 1, 2004 for your temporary teaching assistant certificate, and you would have until Jan. 8, 2006 to finish the requirements and become tenured to meet the federal standard.

Newer hires have different requirements

New teaching assistants (those hired after Jan. 8, 2002) who work in Title I schools can meet the federal requirements in one of three ways. You are considered “qualified” if you have done at least one of the following:

- Completed two years or more at a college or university;
- Earned an associate's degree or higher; or
- Passed a formal state or local academic skills test.

In New York state, this federal requirement can be met by passing a new state test: the Assessment of Teaching Assistant Skills. In other words, if you pass the New York state certification test for teaching assistants, you meet the federal requirements as well.

Apples and oranges

So there you have it: those are state and federal requirements for people who help with instruction. And that's just an overview; as you can imagine, there are tons of specifics that apply in different circumstances. Yes, it's a lot like comparing apples and oranges. But your union stands ready to help you make sense of it all. If you have questions about your own situation, don't hesitate to contact your local union representatives for help.

In the meantime, on the pages that follow are some frequently asked questions about the new federal requirements.

Frequently Asked Questions

Q: How do I know if the new federal requirements apply to me?

A: New federal requirements apply to people who provide instructional support services in classrooms or schools that receive federal Title I funding.

One requirement applies to all paraprofessionals who assist with instruction regardless of job duties or date of hire: you must have a high school diploma or its equivalent. That applies whether you work as a teaching assistant, a translator, or in parent involvement activities.

Additional federal requirements apply only to those performing the duties of teaching assistants, which means you provide instruction to students under the supervision of a teacher.

Q: How can I find out if my school receives Title I funding?

A: In New York state, 96 percent of schools receive Title I funds and therefore must meet federal requirements. Ask your local union president about your school.

Q: My district receives Title I funding. However, the administration says my salary isn't paid with Title I funds, and so the federal standards for paraprofessionals don't apply to me.

A: That *could* be correct. If your district uses its Title I funds to pay for targeted teachers and teaching assistants, only those people need to be qualified under federal rules. However, if your school uses its Title I funds for a school-wide program, then all paras must meet federal standards. Go to your union with specific questions.

Q: Do the federal rules for teaching assistants and paras apply to BOCES schools, or state-operated schools such as the ones in Batavia and Rome?

A: No. BOCES and state-operated schools do not receive Title I funding.

Q: I provide instruction to students under the supervision of a teacher, but my district doesn't call me a "teaching assistant."

A: No matter what title your district gives you, what really counts is the *kind* of work you do. The State Education Department says the work you do – not your official title – determines whether you must meet federal requirements. A teaching assistant provides instruction to students individually or in groups under the supervision of a certified teacher.

If you're performing the duties of a teaching assistant, but your district has not required you to be state certified as a teaching assistant, talk to a representative of your local union about how you can be state-certified.

Q. What do they mean by "instruction"?

A: Some examples under New York state regulations are:

- You provide one-on-one tutoring for a student during a time when the student isn't taught by a teacher;
- You work with individual students or groups on special instructional projects;
- You provide the teacher with information about students which will help the teacher develop appropriate learning and behavioral experiences;
- You help students use available resources and help develop instructional materials;
- You assist in related instructional work.

Q: What does working under a teacher’s supervision mean?

A. According to the most recent draft of federal rules, you work under the “direct supervision” of a teacher if:

- The teacher plans instructional activities that you carry out;
- The teacher evaluates the achievement of the students you work with;
- You work in close physical proximity to the teacher.

Q: My son is seeking a job working in the cafeteria of a Title I school. Does he need a high school diploma? Do any other federal requirements affect him?

A: Recent new Title I requirements apply to individuals providing instructional support services, not to cafeteria staff, bus drivers, secretaries or teacher aides. However, a high school diploma might be required under other rules, set by the district or civil service. A union representative could tell you more.

Q: I substitute as a teaching assistant. Do federal requirements apply to me?

A: A short-term substitute does not have to meet the requirements. In a long-term situation, federal requirements apply.

Q: I work in a Title I school as a translator for a hearing-impaired child. What federal requirements apply to me?

A: You are required to have a high school diploma. However, federal law exempts you from the additional requirements for teaching assistants if :

- You work primarily as a translator;
- You work solely on parent involvement activities; or
- You have only non-instructional duties, such as providing technical support for computers, providing personal care services or performing clerical duties.

New York state defines the duties of a teacher aide/monitor as a non-instructional school employee who assists students with things like behavior and physical needs and helps teachers with activities such as grading and proctoring exams. Aides serve under the building principal.

Q: I was hired before Jan. 8, 2002 and am state-certified as a teaching assistant, but I don’t have tenure. How do I obtain tenure?

A: Anyone hired before Jan. 8, 2002 has until Jan. 8, 2006 to meet the federal standard for being “qualified” as a teaching assistant. If you are state-certified and have tenure, you meet that standard.

Tenure is decided at the local district level. Typically, a teaching assistant serves a probationary period; at the end of the probationary period, a district must either deny or grant tenure. Once you are tenured, it means you are guaranteed due process rights that protect you from arbitrary or capricious dismissal. If you have questions about your tenure status, talk to your local union representative.

Q: I have worked 10 years as a teacher aide. In the fall of 2003, my district decided to reclassify teacher aides as teaching assistants. (We are performing the duties of teaching assistants.) Which federal requirements apply to me?

You were hired before Jan. 8, 2002 and so you have until Jan. 8, 2006 to meet the federal standards. You can do that by becoming state-certified and receiving tenure. **The “old” requirements for state certification should apply to you; they cover anyone whose application is filed on or before Feb. 1, 2004 for a state credential to work as a teaching assistant.** Under the old state rules:

- To get hired to work as a teaching assistant you must have a high school diploma or its equivalent.
- Once you’re hired to work as a teaching assistant, your district applies for you to receive a temporary one-year license (which can be renewed for one additional year).
- Next, your district applies for your permanent (“continuing”) state teaching assistant certificate after you successfully complete one year of experience as a teaching assistant and six semester hours of college courses.

As you can see, based on these rules, your district should have applied for your temporary license to work as a teaching assistant in the fall of 2003. Ask your local union representative if you have any concerns about whether this was done. **This is important because state requirements for certification change for anyone whose application is filed on or after Feb. 2, 2004.**

Q: I hope to get a job as a teaching assistant in a school that receives Title I funds. If I need to meet federal standards, what are the new rules that will affect me?

A: Teaching assistants in Title I schools must have a high school diploma or equivalent. Beyond that, to be qualified to work as a newly hired teaching assistant in a Title I school, you will need to have:

- Completed two years or more at a college or university; *or*
- Earned an associate's degree or higher; *or*
- Passed a formal state or local academic skills test. If you're hired after Feb. 2, 2004, the state Assessment of Teaching Assistant Skills is the test you will be required to take.

Different rules that take experience into account apply to people hired on or before Jan. 8, 2002.

Please note: New York City has some different options. If you work in New York City, the best source for up-to-the-minute information and advice is the United Federation of Teachers.

Q: Tell me about the state test for teaching assistant certification.

A: The state has developed a new Assessment of Teaching Assistant Skills that is a required part of the process of becoming a state-certified teaching assistant after Feb. 2, 2004. Passing this test also fulfills the federal testing requirement for teaching assistants in Title I schools.

The test is offered several times a year in the following areas: Albany; Buffalo; Long Island; New York City; Plattsburgh; Rochester; Syracuse; and Westchester County. The test fee is \$35 and you must register through the internet; there are additional fees for phone registration or late or emergency registration. Regular registration deadlines fall about five weeks before the actual test date.

For more information, go to www.nysatas.nesinc.com or call (413) 256-2895.

Q. Then starting in the fall of 2004, must prospective hires pass the state Assessment of Teaching Assistant Skills before being hired as teaching assistants?

A: If they do not meet state certification requirements in other approved ways, then yes, they must pass the ATAS before being hired.

Q: Are there any courses to prepare me for the Assessment of Teaching Assistant Skills?

A: Yes. Your statewide union offers a test prep course through NYSUT's Education and Learning Trust which includes a union-developed practice CD. For more information, go to www.nysut.org.

Q. What kind of local assessment will qualify me to work as a teaching assistant in a Title I school? How can I find out if my district has a local assessment?

A: Your local union president and labor relations specialist will be able to tell you if your district has a local assessment that can help you meet the federal requirements. (Local assessments will not count toward state certification requirements.)

Q: I'd like to become qualified as a teaching assistant by following the higher education route. What does "two years of study" in higher education mean, and what courses would I have to take?

A: In New York, two years means you have to successfully complete 48 semester hours or its equivalent. No specific course of study is required.

Before enrolling in any courses, however, make sure the institution is accredited. New York college and university evaluations are listed at www.highered.nysed.gov. For online courses or out-of-state colleges, be sure to check with the school to confirm the course is accredited with New York state before registering.

Q: Are higher education courses available through the union?

A: Yes. New York State United Teachers Education and Learning Trust has developed an 18-credit undergraduate program in collaboration with two- and four-year colleges. The courses can be applied toward an accredited two-year associate's degree program through several community colleges across the state. (Go to www.nysut.org)

Q: Are the requirements any different if I work in New York City schools?

A: Current New York City teaching assistants who hold a high school diploma and have received an evaluation in accordance with the United Federation of Teachers Paraprofessional bargaining agreement have met the local assessment option and, therefore, qualify to work in Title I schools under the federal rules. For more information, contact the UFT.

Q: If I'm qualified as a teaching assistant in my current Title I school district and I move to another district, will I still be qualified?

A: Your *state* certification is portable. When it comes to your qualifications under federal rules, NYSUT believes that status should also be portable. The union is pressing the State Education Department for a determination on federal portability.

Q: Where can I get more information?

A: For specifics in your district, check with your local union representatives. For updates on federal and state requirements, look to NYSUT publications and the union website, www.nysut.org.

Notes



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