

Teacher Aides and Teaching Assistants

Following is a summary of the laws, rules and regulations governing the employment, job duties, license and certification of teacher aides and teaching assistants in New York State.

Teacher Aides

According to Education Law, Section 3009 (2)(a):

A teacher aide is appointed by a board of education to assist teachers “in the performance of their teaching functions by performing those non-teaching duties (emphasis added) otherwise performed by such regular teacher or teachers.”

Commissioner’s Regulations, Section 80 - 5.6, Supplementary School Personnel, describe the duties of a teacher aide. They include:

- Managing records, materials and equipment;
- Attending to the physical needs of children; and
- Supervising students, and performing such other non-teaching duties which support teaching when such services are determined and supervised by the teacher.

Teacher aides are classified employees, whose employment rights are governed by Civil Service Law. They are not subject to licensure and certification requirements under Education Law.

Teaching Assistants

According to the Regulations of the Commissioner of Education, Section 80-5-6:

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” (emphasis added). The teaching assistant is provided “general” (as contracted with direct or personal) supervision by the certified teacher(s) who are responsible for the student’s instruction.

Commissioner’s Regulations also describe the duties of a teaching assistant:

- Working with individual pupils on special instructions projects;
- Providing the teacher with information about pupils that will assist the teacher in the development of appropriate learning experiences;

- Assisting pupils in the use of available instructional resources, and assisting in the development of instructional materials;
- 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
- Assisting in related instructional work as required.

Teaching assistants, unlike teacher aides, are members of the teaching staff and must be given a probationary appointment as a teaching assistant and are eligible for tenure according to Section 30.8(d) of the Regulations of the Commissioner of Education.

Previous teaching assistant certification requirements

These requirements pertain to individuals who obtained either of the following credentials effective no later than February 1, 2004.

- ☐ **Temporary License:** Pursuant to Commissioner's Regulations, Section 80-5.6, a temporary license can be issued to a person who has completed a four-year high school program or its equivalent, supplemented by training and experience appropriate to the position in question.

The temporary license is valid for one year from the date of issuance. No more than two temporary licenses may be issued.

- ☐ **Continuing Certificate:** Pursuant to Commissioner's Regulations, Section 80-5.6, a continuing certificate may be issued to a person who has completed six semester hours of college study in a field related to elementary or secondary education, and who has completed one year of experience as a licensed teaching assistant or as a certified teacher.

The continuing certificate is valid continuously, except when the holder has not been regularly employed as a teaching assistant for five consecutive years.

Summary of Commissioner's Regulations for Teaching Assistant Certification Requirements on or before February 1, 2004

Temporary License	Continuing Certificate
<ul style="list-style-type: none"> • high school diploma or equivalent • additional training and experience • valid for one year • No more than two may be issued to the same person 	<ul style="list-style-type: none"> • six semester hours of collegiate study • one-year experience as a licensed teaching assistant or a certified teacher • valid continuously unless unemployed as a teaching assistant for five consecutive years

New Certification Requirements for Teaching Assistants

The requirements for teaching assistant certification will apply to a candidate who applies **on or after February 2, 2004** for a credential to work as a teaching assistant. Among the changes are new certificate levels culminating in a pre-professional certificate leading to teacher preparation, increased collegiate study, and passing a New York State Assessment of Teaching Assistant Skills (ATAS) test or the Liberal Arts and Sciences test (LAST). The State Education Department has indicated on their web site that the LAST, which is required for teacher certification, is an acceptable alternative to the ATAS.

- ☐ **Level I teaching assistant certificate:** A candidate must have a high school diploma or its equivalent, and pass the New York State ATAS or the LAST. The ATAS is arranged into four subareas which address the central knowledge and understanding that teaching assistants are expected to possess in Reading, Writing, Mathematics and Instructional Support.

The certificate is valid for three years and can be renewed for three years, one time only with a commitment for employment. If an individual has already renewed their Level I credential under previous regulations for an additional one year term; the certificate can be renewed once more for three years if there is a commitment for employment. The commitment for employment must be verified by the district/BOCES using superintendent statements via TEACH online services.

- ☐ **Level II teaching assistant certificate:** In addition to meeting the requirements for a Level I certificate, the candidate must also complete six semester hours of collegiate study towards meeting the requirements for an associate's or baccalaureate degree for applications submitted no later than February 1, 2007 or nine semester hours of collegiate study for applications submitted after February 1, 2007. Candidates must also have one year of experience as a licensed or certified teaching assistant.

The certificate is valid for three years and is not renewable.

- ☐ **Level III teaching assistant certificate:** In addition to meeting the requirements for a Level II teaching certificate, the candidate must complete a total of at least 18 semester hours of collegiate study. In other words, a Level III teaching assistant would require at least an additional 9 semester hours of collegiate study or 12 hours for applications submitted no later than February 1, 2007.

The certificate is continuously valid, provided that the professional development requirements – 75 hours every five years – are met.

It is possible to move from Level I to Level III directly after one year if the appropriate course work is in place.

- **Pre-professional teaching assistant:** In addition to the requirements for a Level III teaching certificate, the candidate must be matriculated in a program leading to teacher certification or its equivalent, or in a program with an articulation agreement with such a program. The certificate is valid for five years and can be renewed with the completion of 30 semester hours of coursework.

Pre-professional teaching assistants assist teachers by performing additional duties such as:

- Working with small groups of children so the teacher can work with a large group or individual children;
- Helping a teacher construct lesson plans;
- Presenting segments of lesson plans as directed by the classroom teacher;
- Communicating with parents of students; and
- Helping in training of other teaching assistants.

**Summary of Commissioner's Regulations for Teaching Assistant Certification Requirements
on or after February 2, 2004**

Level I	Level II	Level III	Pre-Professional
<ul style="list-style-type: none"> ▪ high school diploma or equivalent ▪ pass ATAS or LAST* ▪ valid for three years ▪ may be renewed once for three years with a commitment for employment ▪ commitment for employment must be verified by district/BOCES using superintendent statements via TEACH online services 	<ul style="list-style-type: none"> ▪ high school diploma or equivalent ▪ 6 semester hours of collegiate study for applicants prior to February 1, 2007 ▪ 9 semester hours of collegiate study for applicants after February 1, 2007 ▪ pass ATAS or LAST* ▪ work for one year as teaching assistant ▪ valid for three years ▪ not renewable 	<ul style="list-style-type: none"> ▪ high school diploma or equivalent ▪ 18 semester hours of collegiate study ▪ pass ATAS or LAST* ▪ work for one year as teaching assistant ▪ continuously valid with 75 hours of professional development every five years 	<ul style="list-style-type: none"> ▪ high school diploma or equivalent ▪ 18 semester hours of collegiate study ▪ matriculation in teacher preparation program ▪ pass ATAS or LAST* ▪ work for one year as teaching assistant ▪ valid for five years ▪ may be renewed if individual has taken 30 semester hours in the previous five year period

*New York State Assessment of Teaching Assistant Skills Test or the Liberal Arts and Sciences Test

Portability of Teaching Assistant Credential

A teaching assistant is no longer required to obtain a new certificate if they choose to seek employment in another school district or BOCES. A continuing certificate as well as a Level I, II or III certificate or a Pre-Professional certificate is portable across school district and BOCES boundaries, in the same way a teaching certificate is portable.

Professional Development

As additional responsibilities are assigned to teachers, teaching assistants are expected to take on greater responsibilities in supporting student instruction. Many aides and assistants also work with children with special needs, providing a link between special education and the regular education classroom. Yet, in spite of the recent wave of educational reform, most school districts have paid little attention to their professional development needs. This is in large part why NYSUT supported the requirement that school districts provide 75 hours of professional development every five years to Level III teaching assistants.

Professional Development Plan

Now that the new certification requirements for teaching assistants are in effect, the Professional Development Plan (PDP) will require each school district and BOCES to develop a professional development plan that ensures that “holders of Level III teaching assistant’s certificates... are provided the opportunity to participate in the professional development program of the district or BOCES.”

High quality professional development for paraprofessionals will yield good results. Improvement in student learning, better student discipline and behavior are among the many benefits a school district will derive from investing in professional development.

Comprehensive System of Personnel Development

Part 100. 2(dd) of Commissioner’s Regulations, related to the Professional Development Plan, specifies that “a school district or BOCES may include the local special education Comprehensive System of Personnel Development (CSPD) plan... as part of its professional development plan.”

According to Commissioner’s Regulations 200.2(h), a local CSPD plan shall include, but not be limited to:

“a description of the professional development activities provided to all professional and paraprofessional staff who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.”

Excerpt from:

§ 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 assessment of teaching assistant skills.

(2) Time validity. The certificate shall be valid for three years from its effective date. The certificate shall be renewable on one occasion only for three years, except for a certificate that already has been renewed once for a one-year term which may be renewed on one additional occasion only for three years, provided that for a certificate to be renewed the candidate must submit to the department adequate evidence substantiating that the candidate has a commitment for employment in a teaching assistant position under the level I 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. In addition, the candidate who applies for the certificate on or before February 1, 2007, shall be required to have successfully completed a total of at least six semester hours of collegiate study acceptable toward meeting the requirements for an associate or baccalaureate degree, and the candidate who applies for the certificate after February 1, 2007 shall be required to have successfully completed a total of at least nine semester hours of such collegiate study.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State assessment of teaching assistant 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 three 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 an associate or baccalaureate degree.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State assessment of teaching assistant 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 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 and successfully completed a total of at least 18 semester hours of collegiate study acceptable toward meeting the requirements for an associate or 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 assessment of teaching assistant 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, 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.

Excerpt from:

§ 80-3.6 Professional development requirement.

(a) Definitions. As used in this section:

(1) Regularly employed by an applicable school in New York means employed 90 days or more in a professional development year by a single applicable school in New York in a position requiring certification pursuant to this Part. For the purposes of this definition, a day of employment shall include a day actually worked in whole or in part, or a day not actually worked but a day paid. In addition, the City School District of the City of New York and any of its components, including but not limited to community school districts, high school divisions, special education divisions, and the Chancellor's district, shall be considered together a single applicable school in New York.

(2) Professional development period means the five-year period commencing on July 1st after the effective date of the triggering certificate, and each subsequent five-year period thereafter.

(3) Professional development year shall mean each year of the five-year professional development period, beginning on July 1st and ending the following June 30th.

(4) Applicable school in New York means a school district or board of cooperative educational services located in New York State. For purposes of this definition, the City School District of the City of New York and any of its components shall be considered together a single school district.

(5) Triggering certificate means the earliest issued certificate which requires the holder to take professional development, pursuant to subdivision (b) of this section.

(b) Mandatory requirement. (1) Requirements.

(i) Requirement for holders of professional certificates in the classroom teaching service. The holder of a professional certificate in the classroom teaching service shall be required to successfully complete 175 clock hours of acceptable professional development during the professional development period.

(ii) Requirements for holders of Level III teaching assistant certificates. The holder of a Level III teaching assistant certificate shall be required to successfully complete 75 clock hours of acceptable professional development during the professional development period.

(4) Notwithstanding the requirements of paragraph (1) of this subdivision, a holder of a certificate who achieves certification from the National Board for Professional Teaching Standards shall be deemed to have met the professional development requirement, prescribed in this subdivision, for the five-year professional development period in which such national board certification is achieved.

(c) Adjustments to the requirement.

(1) An adjustment to the requirement prescribed in subdivision (b) of this section, in terms of clock hours and/or the time for completing professional development, shall be made by the commissioner, provided that the certificate holder documents good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health certified by a physician; or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or extreme hardship which, in the judgment of the department, makes it impossible for the professional certificate holder to comply with the professional development requirements in a timely manner; or for a certificate holder who is regularly employed by an applicable school in New York, inability to complete the requirement because of the failure of the applicable school in New York to adopt and implement a professional development plan.

(2) A certificate holder may request from the executive director of the Office of Teaching Initiatives an adjustment to the professional development requirement at any time during the professional development period, except that the certificate holder shall be required to comply with the timeframes prescribed in the due process requirements of

subdivision (h) of this section, if the request is made after an initial notification, as prescribed in such subdivision, that the department's records show that the professional development requirements have not been met.

(d) Acceptable professional development.

(1) For individuals regularly employed by an applicable school in New York in a professional development year, acceptable professional development for such year shall be professional development approved by such applicable school in New York, pursuant to its professional development plan, as prescribed in section 100.2(dd) of this Title.

(2) For individuals not regularly employed by an applicable school in New York in a professional development year, acceptable professional development for such year shall be study in the content area of the certificate held by the individual or in pedagogy related to such certificate:

(i) approved by an applicable school in New York, pursuant to its professional development plan, as prescribed in section 100.2(dd) of this Title; or

(ii) offered by:

(a) a regionally accredited institution of higher education or institution authorized by the Board of Regents to confer degrees; or

(b) the following entities located in New York State: a school district, a board of cooperative educational services, a teacher resource and computer training center, or a special education teacher resource center, or a comparable entity located outside of New York State; or

(c) for certificate holders employed by any entity offering instruction in any grades kindergarten through grade 12, including but not limited to nonpublic schools located in New York State or outside of the State, professional development provided by such employer.

(e) Measurement of professional development study. For credit-bearing university or college courses, each semester-hour of credit shall equal 15 clock hours of professional development, and each quarter-hour of credit shall equal 10 clock hours of professional development for purposes of this section.

(f) Recordkeeping requirements. In addition to the recordkeeping requirement for an applicable school in New York, as prescribed in section 100.2(dd) of this Title, the certificate holder shall maintain a record of completed professional development, which includes: the title of the program, the number of hours completed, the sponsor's name and any identifying number, attendance verification, and the date and location of the program. Such records shall be retained for at least seven years from the date of completion of the program and shall be available for review by the department in administering the requirements of this section.

(g) Reporting requirement.

(1) In addition to the reporting requirement for an applicable school in New York, as prescribed in section 100.2(dd) of this Title, for any professional development year in which the certificate holder is not regularly employed in an applicable school in New York, the certificate holder shall report to the department, in a form and timetable prescribed by the department, information concerning completed professional development.

(2) Each certificate holder required to complete the professional development requirement pursuant to this section shall report to the executive director of the Office of Teaching Initiatives his or her current mailing address. Each such certificate holder shall report to the executive director a change of his or her mailing address within 30 days of such change. Failure to provide the executive director with a valid current mailing address may result in the suspension of the validity of the teaching certificate or certificates for which professional development is required, as prescribed in subparagraph (h)(2)(ii) of this section.