

**Q & A Related to  
State and Federal Requirements for Teacher Assistant Qualifications and Use  
Rhode Island Department of Education, October 2008**

**OVERVIEW:** Federal and state law establish requirements to ensure that teacher assistants (TAs) are qualified, that they are appropriately and adequately prepared and trained, that they have the necessary knowledge and skills to assist in the instruction of students with and without disabilities, and that they work under the supervision and direction of the classroom teacher and other appropriately certified professional staff. Legal requirements include the No Child Left Behind Act, the Individuals with Disabilities Education Act and RI law (RIGL 16-11.2) that establish requirements for the employment, training and use of TAs.

RI Department of Education (RIDE) has established state standards that identify entry-level competencies that TAs should be able to demonstrate as a result of completion of RIDE approved TA training programs. These generic standards are intended to provide a basic framework from which additional and more specific competencies will evolve over time. To support the provision of professional development to address more specific competencies for particular TA job assignments, RIDE has established state guidelines that address:

- Teacher Assistants Working with Students Who have English as a Second Language
- Teacher Assistants Working under the Supervision of a Classroom Teacher with Students with Speech/Language Impairments
- Teacher Assistants Who Support Students with Behaviors that Interfere with Learning and/or Relationships
- Teacher Assistants Assisting with Community-Based Instruction
- Teacher Assistants Who Support Students with Diverse Academic Needs

In addition, RIDE has established state guidelines that address Instructional Teams, Supervision and Performance Evaluation related to TAs in both school-based and community-based instruction.

RIDE has developed the following Q & A in response to frequently asked questions regarding state and federal requirements related to TAs. In addition, the **RI TA website at [www.ritap.org/ta](http://www.ritap.org/ta)** Legal Requirements webpage provides the following resources:

- Checklists for Reviewing TA Qualifications
- RI Department of Education (RIDE) Program Standards for All TAs and Guidelines for TAs in Specific Assignments and Guidelines for Instructional Teams, Supervision and Performance Evaluation
- Q & A re: State and Federal Requirements for TA Qualifications and Use (this document)
- Title I Paraprofessionals: Non-Regulatory Guidance and Linkage to the federal regulations for Title I (No Child Left Behind – NCLB)
- Individuals with Disabilities Education Act (IDEA) 2004 Regulations and Comments Related to Paraprofessionals/TAs
- Qualifications for Paraprofessionals Other Than Instructional and Non-Instructional TAs

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## 1. **Topic: Teacher Assistant (TA) Definitions and Qualifications**

**1.a. Question:** What are the qualifications to be employed as a teacher assistant (TA)?

**Answer:** There are 3 types of TAs in RI: Instructional TAs, Non-Instructional TAs and Other Paraprofessionals based on state and federal law. These are minimum qualifications. Local districts can have requirements that are beyond these minimums.

### **Instructional Teacher Assistant (TA)**

**Definition:** Employed to provide instructional or other direct services related to the school's curriculum to students (and/or their parents/legal guardian) under the supervision and direction of the classroom teacher or other appropriately certified professional staff. This includes those who (1) provide one-on-one instructional reinforcement (referred to as "tutoring" in Title I programs) if such is scheduled at a time when a student would not otherwise receive instruction from a teacher, (2) assist with classroom management, such as by organizing instructional materials, (3) provide instructional assistance in a computer laboratory, (4) provide instructional support in a library or media center, (5) provide instructional assistance along with acting as a translator, or (6) provide instructional support services under the direct supervision of a highly qualified teacher. Because TAs provide instructional support, they should not be providing planned direct instruction, or introducing to students new skills, concepts, or academic content.

**Qualifications:** Instructional TAs must

1. Be of good character,
2. Have a high school diploma OR general equivalency
3. Must have completed a RIDE approved TA Training Program. Three (3) exceptions to this particular qualification: (A) TAs hired before Jan. 1, 1999 OR (B) TAs with certification as a TA in another state, OR (C) TAs with an associate's degree or bachelor's degree and who have completed coursework or other training that covers the knowledge and skills needed for entry level TAs as articulated in RIDE TA Standards. That is, the law does not specify the degree has to be in education or a related field...BUT training needs to have covered the RIDE TA Standards regarding TA knowledge and skills. For a listing of the TA knowledge and skills required in RIDE TA Standards, go to the TA website at [www.ritap.org/ta](http://www.ritap.org/ta) then the Legal Requirements webpage to download Checklists for Reviewing TA Qualifications.
4. Must meet one of the following three (3) requirements:
  - a. Completed at least 2 years of study at an institution of higher education. *The law does not specify the type of coursework. School districts or other employers have discretion related to requirements on this issue.* OR
  - b. Obtained an associate's or higher degree. *The law does not specify the type of degree, e.g., in education or a field related to the job assignment. School districts or other employers have discretion to have requirements related to type of degree.* OR
  - c. Met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment: knowledge and ability to assist in instructing, reading, writing, and mathematics; OR reading, writing, and mathematics readiness. *The ParaPro is the state recognized assessment. 461 is the standard score for passing the ParaPro Assessment as adopted by the RI Board of Regents for Elementary and Secondary Education.*

### **Non-Instructional Teacher Assistant (TA)**

**Definition:** Employed primarily as translators, solely involved in parental involvement activities, solely in non-instructional roles, e.g., cafeteria or playground supervision, personal care services, non-instructional computer assistance or other non-instructional direct services to students (and/or their parents/legal guardian) under the supervision and direction of the classroom teacher or other appropriately certified professional staff. Non-Instructional TAs do NOT include: (1) Bus monitors, because they do not work under the supervision and direction of the classroom teacher or other appropriately certified professional staff and (2) Persons whose role is solely clerical and does not include direct non-instructional services to students.

**Qualifications:** Non-Instructional TAs must:

1. Be of good character,
2. Have a high school diploma OR general equivalency
3. Must have completed a RIDE approved TA Training Program. Three (3) exceptions to this particular qualification: (A) TAs hired before Jan. 1, 1999 OR (B) TAs with certification as a TA in another state, OR (C) TAs with an associate's degree or bachelor's degree and who have completed coursework or other training that covers the knowledge and skills needed for entry level TAs as articulated in RIDE TA Standards. That is, the law does not specify the degree has to be in education or a related field...BUT training needs to have covered the RIDE TA Standards regarding TA knowledge and skills. For a listing of the TA knowledge and skills required in RIDE TA Standards, go to the TA website at [www.ritap.org/ta](http://www.ritap.org/ta) then the Legal Requirements webpage to download Checklists for Reviewing TA Qualifications.
4. Individuals serving as translators to enhance the participation of limited English proficient students must also be proficient in English and a language other than English.

**Other Paraprofessionals**

**Definition:** Paraprofessionals other than instructional and non-instructional TAs who assist in the provision of special education and related services to children with disabilities under the supervision and direction of appropriately certified or licensed professional staff.

**Qualifications:** RIDE recognizes qualifications established by other state agencies for paraprofessionals other than TAs. The TA website at [www.ritap.org/ta](http://www.ritap.org/ta) has a link to the RI Department of Health (DOH) website to access qualifications and related requirements for: Nursing assistant, Occupational therapy (OT) assistant, OT aide, Physical therapy (PT) assistant, and Speech language support personnel. It also has a link to the Dept. of Human Services (DHS) website at [www.dhs.state.ri.us/](http://www.dhs.state.ri.us/) to the Medicaid Direct Services Guidebook for Local Education Agencies that addresses: (1) PT including services provided by a PT assistant under the supervision of a licensed PT, (2) OT including services provided by a certified OT assistant (COTA) under the supervision of a licensed OT, and (3) Speech and Language Pathology including Individual Speech Hearing and Language Program and Speech Hearing and Language Program/Group (small group) therapy that may be provided by an appropriately credentialed paraprofessional working under the supervision of a Speech-Language Pathologist certified by RIDE or a Speech-Language Pathologist licensed by the DOH.

**1.b. Question:** What are qualifications requirements for TA substitutes?

**Answer:** TA substitutes are subject to the requirements of RIGL 16-11.2-6 that requires "Any teacher assistant hired after July 1, 2002 who substitutes as a teacher assistant for more than twenty (20) days during any school year shall be required to meet the general qualifications of teacher assistant as provided in section 16-11.2-2." This means that they shall meet the qualifications requirements for TAs as defined above on the 21<sup>st</sup> day of substituting.

**1.c. Question:** What qualifications requirements apply to TAs working in settings other than school districts, e.g., programs operated by educational collaboratives, state operated programs or charter schools?

**Answer:** The same requirements apply as described herein.

**1.d. Question:** What requirements apply to TAs working in private schools or programs?

**Answer:** The requirements described in this Q&A that apply to TAs employed by school districts apply to TAs working in private schools under these conditions:

- The U.S. Department of Education document, *Title I Paraprofessionals: Non-Regulatory Guidance, March 1, 2004*, clarifies that the requirements apply if the TA provides services to Title I eligible private school students and is employed by a school district with Title I funds. In this case, the TA must be under the direct supervision of a public school teacher throughout the duration of the services/program being offered.

- The requirements described herein apply in private state approved special education schools or programs for those TAs who are serving students with disabilities in accordance with a school district IEP.

**1.e. Question:** Do paraprofessionals who have job titles different from “teacher assistant” fall under these qualifications requirements, e.g., Behavioral Technician, Job Coach, Kindergarten Assistant, etc.?

**Answer:** Neither the job title nor funding source used at the local level is the determining factor related to qualifications requirements. The determining factor is the paraprofessional’s duties as they align with the definitions above. For example, if the TA has duties that align with “Instructional TAs” as defined above - no matter the job title in the district - then qualifications requirements for Instructional TAs apply. Similarly, if the paraprofessionals have duties that align with “Non-Instructional TAs” - no matter the job title in the district - then requirements for Non-Instructional TAs apply. The district needs to review paraprofessional/TA duties and make a determination about which category applies.

**1.f. Question:** Do paraprofessionals providing services in-district through district contracting with non-profits – for example, paraprofessionals working under job titles such as Family Services Coordinators, Autism Aides, etc. - do these paraprofessionals fall under RI TA qualifications requirements?

**Answer:** Yes. The same guidance as described in the Q&A immediately above applies.

**1.g. Question:** Can a regularly employed non-instructional TA be assigned to assist with instructional duties?

**Answer:** No. They cannot be used in this capacity. In the event of a bona fide emergency, non-instructional TAs may assist in the supervision of students.

**1.h. Question:** For non-instructional TAs, what determines if the TA is proficient in English and a language other than English?

**Answer:** The No Child Left Behind Act of 2001 requires that individuals serving as translators to enhance the participation of limited English proficient students must be proficient in English and a language other than English. This determination is to be made by the school district. Appropriate documentation for this determination may include one of the following:

- The TA is certified as a translator in another capacity, e.g., as a court reporter.
- The TA has a work history of performing satisfactorily as a translator, e.g., in a district, community program, etc.
- The TA does not meet documentation in item a or b above but the TA is able to demonstrate fluency to the district’s satisfaction in reading, writing and speech, e.g., through having the TA provide samples of reading, writing and speech fluency in English and a language other than English that are judged to be adequate by someone whom the district recognizes as being competent to judge such fluency.
- Although passing the ParaPro is not required for a TA whose role is solely that of a translator, a TA/translator who had passed the ParaPro would be considered to be fluent in English.

NOTE: RIDE has established Guidelines for Instructional TAs Working with Students Who have English as a Second Language (ESL). Among those Guidelines are the following indicators (knowledge and skills) - in addition to several other indicators:

- ESL 1.4 Demonstrate that they have oral English proficiency and competencies in English literacy;
- ESL 1.5 Demonstrate that they have basic proficiency in speaking, reading and writing in their native language;
- ESL 1.6 Able to use effective communication skills with the family in their native language (or most proficient language) and in English;
- ESL 1.7 Able to carry out teacher plans to encourage the participation of families with limited English in their student’s learning environment and facilitate home-school communication (e.g., by conducting home visits, assisting families at school visits, making phone calls at times convenient to families);

ESL 1.8 Know to ask for help when they lack the ability to translate appropriately due to the nature of the content to be translated.

**1.i. Question:** What constitutes at least 2 years of study at an institution of higher education under the qualifications for instructional TAs?

**Answer:** A minimum of 48 college credit hours unless otherwise required by the institution of higher education from which those hours were earned.

**1.j. Question:** Do these TA qualifications requirements apply to part-time TAs in the positions as described above?

**Answer:** Yes

**1.k. Question:** What documentation does the district need to maintain related to qualifications requirements for TAs and other paraprofessionals?

**Answer:** Districts must maintain documentation verifying that each instructional and non-instructional TA and other paraprofessionals meet the qualifications as outlined above. Beginning with the 2006-07 school year, RIDE will be instituting statewide a computer-based system to track the qualifications, assignments and professional development of TAs. This system is a modification of the RICERT system already in place for teachers and is known as RICERT TA. Districts will verify to RIDE TA qualifications and assignments using the RICERT TA system.

**1.l. Question:** What documentation do districts need to verify that a TA has a high school diploma or GED?

**Answer:** Districts need an official statement from the granting authority verifying that the individual has a high school diploma or a G.E.D. If you do not currently have this documentation on some of your TAs, the following guidance is offered to help you in completing this task. This documentation can be a simple statement from the district that the individual graduated from that district. An actual diploma or transcript is not necessary. In the case of a G.E.D., a similar statement from the granting authority would meet this requirement, e.g., in RI from the RI Department of Education, Office of Adult Education.

If a teacher assistant has a degree or 48 college credits, the district can reasonably assume that he/she has a high school diploma or GED without getting additional verification.

## **2. Topic: RIDE Approved Teacher Assistant (TA) Training Programs (a pre-employment requirement for many TAs).**

**2.a. Question:** Do I have to complete a RIDE Approved TA Training Program in order to be employed as a TA?

**Answer:** Completion of a RIDE approved TA Training Program is required for Instructional TAs and Non-Instructional TAs in addition to other qualifications (see information above). Three (3) exceptions to this particular qualification: (A) TAs hired before Jan. 1, 1999 OR (B) TAs with certification as a TA in another state, OR (C) TAs with an associate's degree or bachelor's degree and who have completed coursework or other training that covers the knowledge and skills needed for entry level TAs as articulated in RIDE TA Standards. That is, the law does not specify the degree has to be in education or a related field...BUT training needs to have covered the RIDE TA Standards regarding TA knowledge and skills. For a listing of the TA knowledge and skills required in RIDE TA Standards, go to the TA website at [www.ritap.org/ta](http://www.ritap.org/ta) then the Legal Requirements webpage to download Checklists for Reviewing TA Qualifications. The employing district will review the applicant's coursework to determine if RIDE TA standards have been addressed. If RIDE TA standards have not been met, then the applicant will have to complete the RIDE approved TA Training Program (assuming the other exceptions do not apply). In addition, because local requirements can exceed state requirements, the district may have completion of a RIDE approved TA Training Program as a local requirement for employment even if the applicant falls under one or more of the three (3) exceptions.

**2.b. Question:** How can I find a RIDE Approved TA Training Program?

**Answer:** Information is available on RIDE Approved TA Training Programs on the TA website at [www.ritap.org/ta](http://www.ritap.org/ta). When you get to the TA website, click on Training Opportunities. This will take you to a Training Opportunities webpage that includes a link for Pre-Employment Training information. Click on Pre-Employment Training. This will take you to a webpage where you will be able to download a directory of all of the RIDE Approved TA Training programs in RI and also a Profiles document that includes more in-depth information on each of the programs. Review the Profiles to determine the program that best meets your needs related to training program location, typical training schedule, cost, etc. TA Training Program contact information is provided on the Profiles as well as in the Directory.

### 3. ParaPro Training and Testing

**3.a. Question:** How can I get information and resources on the ParaPro Assessment?

**Answer:** Go to the ParaPro section of the TA website at [www.ritap.org/ta](http://www.ritap.org/ta). The ParaPro section of the website includes:

- ParaPro Training and Testing Resources in Rhode Island
- ParaPro Fact Sheet that provides an overview of the ParaPro Assessment including key facts, an explanation of the ParaPro Internet-Based Test (IBT), an explanation of the ParaPro Paper and Pencil Test (Written Version), accommodations for persons with disabilities or whose primary language is not English, and study strategies to prepare for the test.
- Linkage to the website for the Educational Testing Service (ETS), distributor of the ParaPro Assessment
- ParaPro Knowledge and Skills (handout reviewing the types of knowledge and skills tested on the ParaPro)
- Linkage to the website for the Educational Testing Service (ETS), distributor of the ParaPro Assessment for accessing more information on accommodations for persons with disabilities or whose primary language is not English

**3.b. Question:** How can I get locate help in preparing for the ParaPro?

**Answer:** ParaPro Training is available through some school districts, educational collaboratives and the Community College of RI (CCRI). To get contact information for these programs (including training costs), go to the ParaPro section of the TA website at [www.ritap.org/ta](http://www.ritap.org/ta) and download the handout, ParaPro Training and Testing Resources in Rhode Island. In addition, ETS sells an in-depth Study Guide. It can be purchased through the ETS website at [www.ets.org](http://www.ets.org) or 1-800-537-3161. The Study Guide is available on loan – for free - from RI Educational Collaboratives in East Bay (245-4998), Northern RI (658-5790), Southern RI (295-2888), and West Bay (941-8353) plus the RI Technical Assistance Project (RITAP) at RI College (456-4600) and CHILDSPAN (729-0765).

**3.c. Question:** Where can I take the ParaPro Assessment?

**Answer:** ParaPro Assessment on a computer, known as the ParaPro Internet-Based Test (IBT), is available through some school districts and educational collaboratives. Through these various testing sites, the ParaPro Assessment is usually available at various times throughout the year. Contact these individual ParaPro Assessment sites to get information on their specific testing schedules. To get information on the ParaPro Internet-Based Test (IBT) sites (including testing costs), go to the ParaPro section of the TA website at [www.ritap.org/ta](http://www.ritap.org/ta) and download the handout, ParaPro Training and Testing Resources in Rhode Island.

The ParaPro publisher, Educational Testing Service (ETS), offers the ParaPro Paper and Pencil Test (Written Version), 4 times a year (all on Saturdays). The cost is \$40. RI test centers are: University of RI in Kingston; RI College in Providence; Hope High School in Providence; Brown University in Providence; and Salve Regina in Newport. To get information on the testing schedule or to register for the test, go to the ETS website at [www.ets.org](http://www.ets.org) and click on “Quick Links”, then “Find a Test” and then click on ParaPro. This will take you to the ParaPro Home Page. The website provides a Registration Bulletin that you can download plus information on testing centers, resources you can use to help you prepare for the test. You can also call 1-800-772-9476 or 1-609-771-7395. The ETS

ParaPro Registration Bulletin provides the required registration forms, testing information, which tests are offered at which test centers on which dates, etc.

#### 4. Professional Development for Teacher Assistants (TAs)

**4.a. Question:** What are professional development requirements for TAs beyond meeting pre-employment qualifications?

**Answer:** RIGL 16-11.2-3 Continued professional development of teacher assistants states, “(a) As a condition of continued employment every person employed as a teacher assistant shall participate in ongoing professional development.” This means that the TA must engage in professional development each year. The Individuals with Disabilities Education Act (IDEA) 2004 federal regulations further specify under §300.156 Personnel qualifications that TAs serving children with disabilities must be appropriately and adequately prepared and trained... (and)...have the content knowledge and skills to serve children with disabilities. No Child Left Behind (NCLB) also underscores the need for TAs to receive ongoing professional development. RIDE State Guidelines articulate recommended competencies for instructional TAs in particular assignments including:

- Teacher Assistants Working with Students Who have English as a Second Language
- Teacher Assistants Working under the Supervision of a Classroom Teacher with Students with Speech/Language Impairments
- Teacher Assistants Who Support Students with Behaviors that Interfere with Learning and/or Relationships
- Teacher Assistants Assisting with Community-Based Instruction
- Teacher Assistants Who Support Students with Diverse Academic Needs

Download RI Department of Education (RIDE) Program Standards for All Teacher Assistants and Guidelines for Teacher Assistants in Specific Assignments and Guidelines for Instructional Teams, Supervision and Performance Evaluation from the RI TA website at [www.ritap.org/ta](http://www.ritap.org/ta), Legal Requirements webpage.

**4.b. Question:** How is documentation of professional development for TAs maintained?

**Answer:** RIGL 16-11.2-3 Continued professional development of teacher assistants states, “(b) Each school district or institution employing teacher assistants (shall) maintain records on teacher assistant’s completion of: (1) Training for the work assignment; (2) Continuing education and relevant coursework...” Beginning with the 2006-07 school year, RIDE will be instituting statewide a computer-based system to track the qualifications, assignments and professional development of TAs. This system is a modification of the RICERT system already in place for teachers and is known as RICERT TA. RICERT TA includes a way for TAs to maintain documentation of professional development activities and to identify professional development interests. Districts may have additional requirements related to the submission of professional development documentation to the district/employer.

**4.c. Question:** Are TAs required to get a minimum number of professional development hours each year?

**Answer:** State laws requires that TAs engage in professional development each year. Although state law requires that TAs participate in ongoing professional development, there are no state requirements related to how many hours of professional development a TA must have each year. However, some districts do require a minimum number of TA professional development hours per year.

**4.d. Question:** Where can I locate professional development for TAs?

**Answer:**

- Accessing Professional Development By or Through Your District - Districts provide various professional development supports such as TA specific training in-district, encouraging TAs to attend in-district in-service training along with their teacher, funding TAs to attend job-related training out-of-district, providing TAs with professional development days each year, orientation strategies for TAs in new assignments, study groups, etc.

- Accessing RIDE Affiliated Professional Development - RIDE offers various professional development at no cost to TAs: (A) TA Networks that meet throughout the state each October, January and April and offer 2-hour sessions (4:00-6:00) on various topics and (B) multi-session TA Training related to working with students (1) With Speech/Language Impairments and (2) Whose Behaviors Interfere With Learning and /or Relationships. Go to the TA website Training Opportunities webpage for registration information or to register online.
- TA Training Resources – Various books and training modules are available on loan through TA libraries at the 4 Educational Collaboratives: East Bay Collaborative (245-4998), Northern RI Collaborative (658-5790), Southern RI Collaborative (295-2888), and West Bay Collaborative (941-8353) plus 2 other sites at RI Technical Assistance Project (RITAP) at RI College (456-4600) and CHILDSPAN (729-0765). An Annotated Bibliography of these resources is on the TA website on the Resources webpage.
- Online Professional Development – Online professional development is an effective way to access training to fit individual schedules as it is generally available 24 hours a day, 7 days a week using *any* Internet connection: school, home, community library, etc. The TA website Training Opportunities webpage provides link to a variety of online Professional Development and related resources appropriate for TAs and those who work with them – some at no cost and some at low cost.
- Training for Teachers on the Effective Use of TAs – Federal and state law require that TAs work under the direction and supervision of a teacher or other appropriately certified professional staff, underscoring the need for teachers and TAs to work as instructional teams. RIDE Guidelines provide additional clarification concerning Instructional Teams, Supervision and Performance Evaluation related to TAs. Districts and related education agencies can access training on the Effective Use Of TAs that can be custom-designed to meet local needs at no charge (within grant limitations). Training can be designed just for teachers or for teacher/TA teams. To schedule a workshop, access more information on the TA website on the Training Opportunities webpage.
- College Courses – The TA website Training Opportunities webpage has information on CCRI Supports for TAs Pursuing Associate Degrees and TA Career Advancement Opportunities in Special Education.
- Staying Informed – Go to the TA website for updates on various TA issues. Get on RIDE's TA Master Email List by registering on the TA website Resources webpage. Through being on this email list, you will get RIDE's quarterly TA newsletter and routine emails about professional development opportunities, resources, policy updates, etc.

**4.e. Question:** What are funding sources for professional development for TAs?

**Answer:** Districts should consider including professional development for TAs and for teacher/TA instructional teams in their Consolidated Resources Plans (CRPs). Professional development funding sources include: Title I; Title II, Part A, Improving Teacher Quality State Grants; Title III, Part A, the English Language Acquisition, Language Enhancement, and Academic Achievement Act; Title V, Part A, Innovative Programs; Title VII, Part A, subpart 7, the Indian Education Program; IDEA, Part B; and Article 31.

## **5. Requirements for Teachers Related to Providing Direction and Supervision for Teacher Assistants (TAs)**

**5.a. Question:** What are requirements for teachers related to providing supervision and direction to TAs?

**Answer:** State and federal law require that TAs work under the supervision and direction of the classroom teacher or other appropriately certified professional staff. The following non-regulatory guidance applies to programs conducted in schools, the place where certified educators are normally present. No Child Left Behind (NCLB) requirements address the supervision/proximity of the TA to the teacher. NCLB (also referred to as Title I) requirements and guidance of March 2004 are as follows. "Paraprofessionals who provide instructional support must work under the direct supervision of a highly qualified teacher. [Sections 1119(g)(3)(A)] A paraprofessional works under the direct

supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out, and evaluates the achievement of the students with whom the paraprofessional is working, and (2) the paraprofessional works in close and frequent proximity with the teacher. [§200.59(c)(2) of the Title I regulations] As a result, a program staffed entirely by paraprofessionals is not permitted. A program where a paraprofessional provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom, or a program where a paraprofessional works with a group of students in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the requirement that paraprofessionals work in close and frequent proximity to a teacher.”

RI Law, RIGL 16-11.2-1 requires that teacher assistants work “under the supervision and direction of the classroom teacher or other appropriately certified professional staff”. The teacher assistant must work in the same setting as the teacher. This can be in an adjoining room if that room can be accessed by a door in the classroom, if that door remains open, if the teacher assistant is working under the direction of the teacher, and if the teacher conducts frequent observations to ensure supervision. For additional guidance, review RI Department of Education (RIDE) Program Standards for All TAs and Guidelines for TAs in Specific Assignments and Guidelines for Instructional Teams, Supervision and Performance Evaluation that are available on the RI Teacher Assistant Website at [www.ritap.org/ta](http://www.ritap.org/ta) on the Legal Requirements webpage.

**5.b. Question:** How do these requirements for supervision and direction apply to TAs assisting with community-based instruction?

**Answer:** These TAs may have varying job titles from one district or program to another, e.g., job coach, instructional coach, employment specialist, one-on-one workplace coach, etc. However, no matter their job title, this guidance applies to individuals who meet the following description. Working under the supervision and direction of the classroom teacher or other appropriately certified professional staff, TAs Assisting With Community-Based Instruction support students in learning how to be as independent as possible in a variety of community settings. This learning may take place in school-based and community-based settings. Because instruction takes place in both settings, the TA plays a key role in supporting students in transferring skills learned in-school to community-settings and, then, collecting data and reporting strengths and needs in community-settings that need to be addressed via school-based instruction. Depending on the program model in which s/he works and student needs, the TA may work with students in large or small groups or provide individualized support. The TA must be able to work effectively with students, teachers, employers and other community contacts and parents. The nature of this instruction often requires the TA to work in school and community settings that are not in close and frequent proximity to a teacher. Under these circumstances, the district or program should develop policies and procedures to ensure that the classroom teacher or other appropriately certified professional staff provides supervision and direction to TAs when they work independently with students in school and community-based settings. These policies and procedures should be consistent with the RI Department of Education (RIDE) Program Standards for Teacher Assistants and Guidelines Related to Teacher Assistants: Professional Development, Instructional Teams, Supervision and Performance Evaluation that address all Teacher Assistants and that include specific provisions for TAs Assisting With Community-Based Instruction. These Guidelines address issues including but not limited to:

1. District assures training for the TA in accordance with indicators/competencies identified in RIDE Standards and Guidelines for TAs Assisting With Community-Based Instruction
2. Teachers and TAs work as an instructional team along with other school personnel, employers and other community members and parents in planning for the students' community-based instruction and instruction in the classroom as it relates to the community experience.
3. The instructional team defines roles of team members as these roles relate to the needs of students including roles and responsibilities for teachers and TAs as defined in RIDE Guidelines identified above.
4. Teacher ensures that a Transition Folder is incorporated and used by the instructional team (including the TA) as an organizational tool in both school and community settings.

5. Teacher initiates contact with appropriate school personnel or the community placement site and negotiates plans for the student and TA.
6. Teacher ensures that the TA understands and is able to meet expectations for the role of TA assisting with community-based instruction including emergency, health and safety factors.
7. Teacher designs communication protocols for instruction provided outside the presence of the teacher and ensures that the TA is competent in its use.
8. Teacher uses data reported by the TA in ensuring continuity in instruction between school and community settings.
9. Teacher ensures the TA's comfort level with the student by orientation to student strengths and needs including "red flags" and appropriate intervention strategies to prevent failure in community experiences.
10. Teacher periodically reviews the TA's work and student progress.
11. The teacher follows RIDE Guidelines for the supervising teacher related to TAs (applicable to all TAs).
12. District strategies for performance evaluation of Teacher Assistants Assisting With Community-Based Instruction are consistent with local contracts and, where appropriate, RIDE Guidelines for the performance evaluation of TAs (applicable to all TAs).

**5.c. Question:** What is RIDE guidance that teachers can follow in carrying out responsibilities for TA supervision and direction in both school-based and community-based instruction?

**Answer:** This guidance is provided in RI Department of Education (RIDE) Program Standards for All Teacher Assistants and Guidelines for Teacher Assistants in Specific Assignments and Guidelines for Instructional Teams, Supervision and Performance Evaluation (download at the TA website at [www.ritap.org/ta](http://www.ritap.org/ta) on the Legal Requirements webpage). The Guidelines for Instructional Teams, Supervision and Performance Evaluation address:

- Instructional Teams
  - Instructional Team Composition
  - Instructional Team Roles and Responsibilities
  - Instructional Team Supports
  - Roles and Responsibilities of Team Members
  - Instructional Team Planning
- Supervision of TAs
  - Orientation for TA Role on Instructional Team
  - Management of Schedule/Delegation
  - On-the-Job Training
  - Management of the Work Environment
  - Encouragement of Professional Behavior
- Performance Evaluation of TAs
  - Standards for Evaluation
  - Job Description
  - Styles of Evaluation
  - Individual Professional Development Plan

**5.d. Question:** What are principles regarding TAs providing temporary coverage for teachers?

**Answer:** The following principles provide clarification regarding TAs providing temporary coverage for teachers. Appropriately certified personnel are responsible for the instruction and supervision of students in public schools. While non-certified staff (TAs) may assist certified teachers in this regard, certified teachers retain primary responsibility for these tasks. If certified staff is called away from the classroom unexpectedly or for a brief period of time, TAs may supervise students. In such cases, certified staff in a nearby location must be aware of the situation, monitor it on a regular basis, and be immediately accessible if an academic or behavioral issue arises. In all cases, a certified individual must be assigned as the teacher of record. In developing local policy in this regard, the following considerations are recommended:

- Nature, duration and frequency of the certified teacher's unavailability
- Impact of the teacher's unavailability on the quality of instruction
- Health and safety factors

**5.e. Question:** What is RIDE's policy on the supervision of TAs assigned to monitor in-school suspension programs?

**Answer:** "Appropriately certified personnel must carry out the instruction and supervision of students in public schools. While non-certified staff may assist certified teachers in this regard, certified teachers remain ultimately responsible for these tasks. Because the in-school suspension program is conducted on school premises, the students in the program obviously require supervision. Furthermore, because students in the program are expected to complete assignments for which they receive academic credit, the program is instructional in nature. It therefore follows that certified personnel must be involved in the operation of the program. Involvement by certified personnel does not necessarily mean the continuous presence of a certified teacher. It does require that certified staff in a nearby location is aware of the activity, monitors it on a regular basis, and is immediately accessible if an academic or behavior issue arises. A certified individual should be assigned as the teacher of record of the room for each period of the school day that the program is in operation." The program as defined above is 'instructional in nature' because 'students are expected to complete assignments for which they receive academic credit. . .' The teacher assistant who assists the teacher of record with this assignment should be an instructional teacher assistant.

## 6. Confidentiality

**6.a. Question:** Can a TA see the record or parts of it (e.g., IEP)?

**Answer:** Yes. Because the TA has a "legitimate educational interest" in materials in the record, s/he can see this *if it is necessary to assist in the implementation of the child's program*. Parts of the record that are particularly relevant to TAs are those that relate to the instruction with which the TA assists or information re: the child's health & safety (allergies, medical precautions, etc.). Each district may have more specific rules about how they facilitate TAs seeing the record, such as, letting them make notes or having a summary sheet (which also must be kept confidential). The district must provide training on confidentiality to all persons who have access to the records, including TAs. Information obtained concerning a child should not be shared with anyone not having a legitimate educational interest (e.g. conversations with others outside of school).

The *RIDE Program Standards for Teacher Assistants & Guidelines Related to Teacher Assistants: Professional Development, Instructional Teams, Supervision & Performance Evaluation* call attention to TAs as partners on the Instructional Team, recognizing that ALL staff are valued professional colleagues as RI strives to ensure high levels of learning & performance for ALL. Many things go into making the instructional team concept work. One thing is ensuring that TAs have access to information they need to do their jobs. To this end, we would like to reiterate the following legal clarification. Because the TA has a legitimate educational interest in materials in the record, s/he can see this *if it is necessary to assist in the implementation of the child's program*. Parts of the record that are particularly relevant to TAs are those that relate to the instruction with which the TA assists or information re: the child's health & safety (allergies, medical precautions, etc.). Each district may have additional rules about how they facilitate TAs accessing records. Districts must provide training on confidentiality to all persons who have access to the records, including TAs. Information obtained concerning a child should not be shared with anyone not having a legitimate educational interest (e.g., conversations with others outside of school).