



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

ASSISTANT COMMISSIONER FOR SPECIAL EDUCATION
OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

Room 1624 One Commerce Plaza
Albany, NY 12234
Tel. (518) 473-4818
Fax (518) 402-3534

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TO: District Superintendents
Superintendents of Schools
Superintendents of State-Operated and State-Supported Schools
Executive Directors of Approved Private Schools
Organizations, Parents and Individuals Concerned with Special Education
Commissioner's Advisory Panel for Special Education Services
SETRC Project Directors and Professional Development Specialists
Independent Living Centers

FROM: Edward Placke 
Assistant Commissioner for Special Education

SUBJECT: "Supplementary School Personnel" Replaces the Term "Paraprofessional"
in Part 200 of the Regulations of the Commissioner of Education

On July 21, 2004, the Board of Regents approved amendments to sections 200.1, 200.2, 200.4, 200.6, 200.9 and 200.16 of the Regulations of the Commissioner of Education to align terminology in Part 200 of the Regulations of the Commissioner of Education with the provisions of section 80-5.6 of the Regulations of the Commissioner of Education.

The term "supplementary school personnel" now replaces the term "paraprofessional." Supplementary school personnel means teacher aides and teaching assistants. To ensure dissemination to appropriate individuals within school districts, I ask Superintendents to please share this memorandum with individuals such as directors of special education, school psychologists, guidance counselors and directors of pupil personnel. These regulations are effective on a permanent basis **August 12, 2004.**

Attached are questions and answers and the approved amendments to provide you with further information.



Questions and Answers

1. Why did the term “Supplementary School Personnel” replace the term “paraprofessional” in Part 200 of the Regulations of the Commissioner of Education?

The change is to align Part 200 of the Regulations of the Commissioner of Education with the provisions of section 80-5.6 of the Regulations of the Commissioner of Education and the federal No Child Left Behind Act of 2001 (NCLB). Section 80-5.6 of the Regulations of the Commissioner of Education already designates teacher aides and teaching assistants as supplementary school personnel. Also, NCLB defines a Title I paraprofessional as someone who provides instructional support. Teacher aides are not authorized to provide instructional support. Therefore, it is erroneous to refer to a teacher aide as a Title I paraprofessional.

2. Must a teacher aide be licensed and/or certified in New York State?

No. New York State does not require a license or certification to perform the duties of a teacher aide.

3. Where can I locate information regarding certification, qualifications and duties of supplementary school personnel (teacher aides and teaching assistants)?

Information may be found at the following two websites:

<http://www.highered.nysed.gov/tcert/resteachers/teachingasstsaidescompared.htm>

and <http://www.highered.nysed.gov/tcert/career/ta.htm>.

The Regulations of the Commissioner of Education governing supplementary school personnel may be found at:

<http://www.highered.nysed.gov/tcert/part80-5.htm#5.6>

4. Where can I locate information regarding the relationship between New York State teaching assistants and Title I paraprofessionals?

- General information about teaching assistants who are also Title I paraprofessionals, is in Part B of NCLB NYS Field Memo #2-2004, available at <http://www.highered.nysed.gov/nclb022004b.htm>
- More detailed information on New York State’s implementation of NCLB and requirements for Title I paraprofessionals is in NCLB NYS Field Memo #03-2003 at <http://www.highered.nysed.gov/nclb03-2003.htm> and NCLB NYS Field Memo #10-2003 at <http://www.highered.nysed.gov/nclb10-2003.htm>.

AMENDMENTS TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
Pursuant to sections 101, 207, 4403 and 4410 of the Education Law.

1. Subdivision (i) of section 200.1 of the Regulations of the Commissioner of Education is amended, effective August 12, 2004, as follows:

(i) Class size means the maximum number of students who can receive instruction together in a special class or resource room program and the number of teachers and [paraprofessionals] supplementary school personnel assigned to the class.

2. Subdivision (hh) of section 200.1 of the Regulations of the Commissioner of Education is amended, effective August 12, 2004, as follows:

(hh) [Paraprofessional] Supplementary school personnel means a teacher aide or a [teacher] teaching assistant as described in section [80.33] 80-5.6(a) through (d) of this Title.

3. Subparagraph (iii) of paragraph (11) of subdivision (b) of section 200.2 of the Regulations of the Commissioner of Education is amended, effective August 12, 2004, as follows:

(iii) the chairperson of the committee on special education designates for each student one, or as appropriate, more than one professional employee of the school district with knowledge of the student's disability and education program to, prior to the implementation of the IEP, inform each regular education teacher, special education teacher, related service provider, other service provider, [paraprofessional] supplementary school personnel, as defined in section 200.1(hh) of this Part, and other provider and support staff person of his or her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific

accommodations, program modifications, supports and/or services for the student in accordance with the IEP.

4. Subdivision (h) of section 200.2 of the Regulations of the Commissioner of Education is amended, effective August 12, 2004, as follows:

(h) Local comprehensive system of personnel development (CSPD) plan. The board of education or trustees of each school district and each board of cooperative educational services shall submit to the State Education Department annually, by a date prescribed by the commissioner, a local CSPD plan containing the information demonstrating that all personnel providing services to students with disabilities are adequate as prescribed by the commissioner. The CSPD plan shall include, but not be limited to, a description of the professional development activities provided to all professional [and paraprofessional] staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities. A school district or BOCES may include the local CSPD plan as part of the professional development plan pursuant to section 100.2(dd) of the commissioner's regulations.

5. Subparagraphs (ii) and (iii) of paragraph (3) of subdivision (e) of section 200.4 of the Regulations of the Commissioner of Education are amended, effective August 12, 2004, as follows:

(ii) ensuring that [a paraprofessional] supplementary school personnel, as defined in section 200.1(hh) of this Part, and each other provider responsible for assisting in the implementation of a student's IEP, has the opportunity to review a copy of the student's IEP, prior to the implementation of such program, and has ongoing access to a copy of the IEP, which may be the copy provided to the student's special

education teacher or the teacher or related service provider under whose direction such [paraprofessional] supplementary school personnel or other provider works;

(iii) ensuring that each regular education teacher, special education teacher, related service provider, other service provider, [paraprofessional] supplementary school personnel as defined in section 200.1(hh) of this Part, and other provider and support staff person has been informed, prior to the implementation of the IEP, of his or her responsibility to implement the recommendations on the student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP; and

6. Subparagraphs (i), (ii) and (iii) of paragraph (4) of subdivision (g) of section 200.6 of the Regulations of the Commissioner of Education are amended, effective August 12, 2004, as follows:

(i) The maximum class size for special classes containing students whose management needs interfere with the instructional process, to the extent that an additional adult is needed within the classroom to assist in the instruction of such students, shall not exceed 12 students, with [at least] one or more [paraprofessional] supplementary school personnel assigned to each class during periods of instruction.

(ii) (a) The maximum class size for special classes containing students whose management needs are determined to be highly intensive, and requiring a high degree of individualized attention and intervention, shall not exceed six students, with [at least] one or more [paraprofessional] supplementary school personnel assigned to each class during periods of instruction.

(b) The maximum class size for special classes containing students whose management needs are determined to be intensive, and requiring a significant degree

of individualized attention and intervention, shall not exceed eight students, with [at least] one or more [paraprofessional] supplementary school personnel assigned to each class during periods of instruction.

(iii) The maximum class size for those students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment, shall not exceed 12 students. In addition to the teacher, the staff/student ratio shall be one staff person to three students. The additional staff may be teachers, [paraprofessionals] supplementary school personnel and/or related service providers.

7. Subparagraph (x) of paragraph (2) of subdivision (f) of section 200.9 of the Regulations of the Commissioner of Education is amended, effective August 12, 2004, as follows:

(x) For the purpose of this subparagraph, integrated special class programs are defined as those programs employing a special education teacher and [at least] one or more [paraprofessional] supplementary school personnel in a classroom made up of no more than twelve preschool students with and without disabilities, or a classroom that is made up of no more than twelve preschool students with disabilities staffed by a special education teacher and [at least] one or more [paraprofessional] supplementary school personnel that is housed in the same physical space as a preschool class of students without disabilities taught by a non-special education teacher. The tuition rate for preschool programs operating a special class as defined in section 200.16 of this Part in an integrated setting serving students with and without disabilities shall be established in accordance with the provisions set forth in paragraph (1) of this subdivision and subparagraphs (i) through (viii) of this paragraph, with the following additional provisions:

8. Clause (b) of subparagraph (iii) of paragraph (3) of subdivision (h) of 200.16 of the Regulations of the Commissioner of Education is amended, effective August 12, 2004, as follows:

(b) the maximum class size shall not exceed 12 preschool students with at least one teacher and one or more [paraprofessional] supplementary school personnel assigned to each class; and