

North Dakota Department of Public Instruction

Policy on Aides/Paraprofessionals

A critical issue in schools today is the proper use of services provided by aides/paraprofessionals. For the services of aides/paraprofessionals to be most effective and efficiently utilized, the relevant decisions regarding the services provided must be made by the licensed teacher who is being assisted.

An aide/paraprofessional is one who assists students under the direction of the licensed teacher. The use of an aide/paraprofessional is the teacher's responsibility and is ultimately based upon the analysis of the teacher's own role and the abilities of the aide/paraprofessional. The teacher must not assign duties to the aide/paraprofessional that are included in the definition of the licensed teacher, since the teacher is accountable for the educational decisions in the classroom. Because aides/paraprofessionals provide instructional support, they should not be providing planned direct instruction or introducing new skills, concepts, or academic content to students.

Direct Supervision

- ◆ The responsibility of an aide/paraprofessional is to assist the teacher by performing duties assigned and directed by that teacher. These duties may not infringe upon the responsibilities reserved for a licensed teacher as aides/paraprofessionals may only assist the teacher in meeting those responsibilities. One of the major functions aides/paraprofessionals can perform is that of making instruction more personalized for individual students. Aides/paraprofessionals may assist with small groups of students or individuals.
- ◆ The aide/paraprofessional must be within visual range of a licensed teacher. "Direct supervision of an adult", as defined by NDCC 62.1-01-01(2), means that "an adult is present in such close and frequent proximity so as to be capable of observing and directing the actions of the individual supervised".

Position of Employment

Schools are required to have a job description for all employed staff. The job description must outline whether an individual is employed as an aide/paraprofessional or as a licensed teacher. If the job description is written for an aide/paraprofessional then the responsibilities assigned to that individual should be consistent to that of an aide/paraprofessional. This also applies to individuals who are licensed teachers, but are working as an aide/paraprofessional.

An aide/paraprofessional, although certified and able to accept employment as a licensed teacher, if not actually contractually employed in teaching should not be expected to perform duties of an individual being paid as a licensed teacher. NDCC 15-39.1-04(11) defines a teacher as "including persons who are licensed to teach in North Dakota and who are contractually employed in teaching". If a job description contains any responsibilities of a teacher, even if the job title is that of an aide/paraprofessional, then that individual must hold a valid teaching license and be contractually employed, not paid on an hourly basis.

A North Dakota Attorney General's opinion states that an aide/paraprofessional who holds a valid teaching license and meets the requirements for the particular grade level in which the aide/paraprofessional is working, may teach in the classroom. However, if the aide/paraprofessional does teach in the classroom, both the aide/paraprofessional and the employer must contribute to the teacher's fund for retirement unless the employer contributes the entire portion. Additionally, the aide/paraprofessional is entitled to other rights, and subject to those responsibilities required of a licensed teacher, including the provisions of NDCC 15-47-26, 15-47-27 (contract renewal), 15-47-27.1, 15-47-28, and 15-38.1 (representation and negotiation).

This policy on aides/paraprofessionals is not meant to apply to student teachers and interns, who are in training or hold non-instructional positions.