

## TEACHER AIDES

The Nebraska Professional Practices Commission receives inquiries from teachers, administrators, and parents regarding the appropriate use of non-certified personnel. Clarification in the use of these employees is important as each educator is subject to the Nebraska Statutes and the Standards of Ethical and Professional Performance established by the State Board of Education.

School districts use a variety of terms such as teacher aides, para-professionals, teacher assistants, and aides to describe these employees. ***Nebraska Statutes refer to these non-certified employees as Teacher Aides***, therefore, regardless of the term used by a local school district, the term teacher aide is used in the pamphlet and refers to all such non-certified employees.

Compliance with the guidelines described in this pamphlet will assist local boards of education in the use of non-certificated staff in a manner consistent with state law and the rules and regulations of the Nebraska Board of Education.

## STATE LAW REGARDING TEACHER AIDES

79-802: Nebraska certificate or permit; prerequisite to teaching; employment of teacher aides; requirements; exception; (1) Except as provided in subsection (2) of this section, no person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected.

(2) Any person who holds a valid certificate or permit to teach issued by another state may be employed as a substitute teacher in any public, private, denominational, or parochial school in this state for not more than ten working days if he or she begins the application process, on the first employment day, for a Nebraska substitute teacher's certificate and the issuance of such certificate is pending.

3) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are non-teaching in nature, if the employing school has assured itself that the aid has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

## RESTRICTIONS IN THE USE OF TEACHER AIDES

The two major restrictions in the use of teacher aides are (1) aides may not be assigned teaching responsibilities, and (2) aides must be specifically prepared for their duties, including the handling of emergency situations.

Nebraska Statutes define teaching as: 79-101(12): the term teach shall mean and include, but not be limited to, the following responsibilities: (a) the organization and management of the classroom or the physical area in which the learning experiences of pupils take place, (b) the assessment and diagnosis of the individual educational needs of the pupils,

(c) the planning, selecting, organizing, prescribing, and directing of the learning experiences of pupils, (d) the planning of teaching strategies and the selection of available materials and equipment to be used, and (e) the evaluation and reporting of student progress.

Duties not requiring a professional judgment may be performed by an aide. Examples of duties that a teacher aide may perform, if properly trained:

1. Assist in organizing field trips.
2. Read aloud or listen to students read.
3. Assist students in performing activities that have been initiated by the teacher.
4. Hand out papers and collect paper work.
5. Assist with supplementary work for high ability learners.
6. Provide assistance for practicing with flash cards, spelling and independent practice activities.
7. Assist in preparing instructional materials.
8. Reinforce learning with small groups.
9. Assist students in learning their names, addresses, telephone numbers, birthdays and parent's names.
10. Supervise free play activities.
11. Put work on chalkboard/whiteboard.
12. Keep attendance records.
13. Type tests, bibliographies, lists, notices, class materials and other items.
14. Check objective portions of homework, practice books, etc.
15. Record test results and grades.
16. Copy tests and other materials.

Duties requiring professional judgment may not be performed by an aide. Examples of duties the aid should not perform:

1. Assume responsibility for a classroom or a professional service.

2. Assume responsibility for the diagnostic and programming functions of the classroom.
3. Assume responsibility for preparing lesson plans.
4. Assume responsibility for assigning grades to a student.
5. Assume full responsibility for supervising assemblies or field trips.
6. Initiate original concept instruction.
7. Act as an instructional resource aide for students without direct teacher supervision.
8. Assume full responsibility for supervising and planning activities.
9. Program or prescribe educational activity materials for students.
10. Grade subjective or essay tests.
11. Regulate student behavior by corporal punishment, suspension, or expulsion.
12. Assign grades or other evaluation criteria to students' tasks.
13. Assume responsibility for medical needs of students.

## SUPERVISION OF AIDES

In academic situations a teacher aide must operate under the continuous supervision of a teacher. The teacher must be able to control and/or modify the situation. An aide should not supervise an instructional station alone, except for brief periods of time.

In non-academic situations, aides can, subject to local district policy, be assigned to supervise non-teaching activities. Non-academic activities would include supervision of playgrounds, bus loading stations, cafeterias, and study halls.

### **LIABILITY FOR AIDES' ACTIVITIES**

Students can be left in the care of teacher aides without the district or its personnel risking any greater liability than that when students are left in the care of certificated staff. The question of liability is not one of teacher certification, but is whether the individual (teacher or aide) in charge is responsible and competent and whether his or her duties are carried out in a manner “demonstrating reasonable care and normal precaution”. Because of Section 79-802(3) of the Nebraska Statutes, it is important that each school district develop a training program for aides so they may handle their duties, including emergency situations. Training for teacher aides supervising students on a playground, for example, would require first aid for injuries. This training must be completed prior to the time each aide begins his or her duties.

### **EMPLOYMENT OF TEACHER AIDES**

A district should not assign teaching responsibilities to an aide who holds a valid teaching certificate. Only a teacher may assume the responsibilities set forth in Section 79-101(12); an aide cannot be held accountable for meeting these responsibilities. If the employing district believes a certificated person is qualified and should be assigned to meet the responsibilities of a teacher, the district should hire him/her under a regular written teaching contract required of all certificated employees. To hire someone as an aide and then expect him/her to assume responsibilities for another position is unfair to all parties concerned.

If a certificated person agrees to employment as an aide, holding a teacher certificate must be

incidental to employment as an aide. The Commission believes the use of a job description for each aide position would do much to dispel the uncertainty regarding the responsibilities of the aide. The Commission recommends that the job description be contained in a local school district handbook for aides that also describes their training, supervision, and available resources.

### **ETHICAL STANDARDS**

Ethical standards set forth by the Nebraska State Board of Education and the Professional Practices Commission which apply to the use of aides are as follows:

1. The educator shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
2. The educator shall not assign to unqualified personnel tasks for which an educator is responsible.
3. The educator shall practice the profession only with proper certification and shall actively oppose the practice of the profession by persons known to be unqualified.

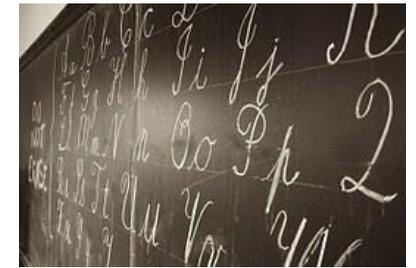
### **LEGAL RECOURSE FOR IMPROPER USE OF AIDES**

The Nebraska Professional Practices Commission is authorized to provide a means for self-monitoring the teaching profession (79-861, R.R.S.). The Commission and the State Board of Education have done this by providing an orderly method of resolving disputes through a system involving inquiries, complaints, petitions, and/or hearings. If a problem arises involving the misuse of a teacher's authority or other inappropriate

actions of a teacher concerning the use of teacher aides, the process set forth by the Commission and the State Board of Education can be utilized. This process, however, is relevant only to certificated educators and disputes involving the actions of teacher aides must be resolved through the local school district procedures or through civil action.

The Commission's Clerk is available to speak to educator or school board groups about the work of the Commission. The Clerk is also available to confer with interested parties relative to problems of professional ethics or competency. For this service, write or call:

Kelly Muthersbaugh, Clerk  
Nebraska Professional Practices Commission  
P.O. Box 94941  
301 Centennial Mall South  
Lincoln, Nebraska 68509  
Phone: 402-471-2943  
[kelly.muthersbaugh@nebraska.gov](mailto:kelly.muthersbaugh@nebraska.gov)



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