

HOUSE BILL REPORT

SHB 2365

As Passed House:
February 13, 2014

Title: An act relating to paraeducator development.

Brief Description: Concerning paraeducator development.

Sponsors: House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Bergquist, Dahlquist, Santos, Stonier, Haigh, Ryu, Reykdal, Fey, Orwall, Gregerson, Freeman and Pollet).

Brief History:

Committee Activity:

Education: 1/27/14.

Appropriations Subcommittee on Education: 2/7/14 [DPS].

Floor Activity:

Passed House: 2/13/14, 97-0.

Brief Summary of Substitute Bill

- Directs the Professional Educator Standards Board to convene a work group to design program-specific minimum employment standards for paraeducators, recommend professional development, develop a paraeducator career ladder, and design an articulated pathway for teacher preparation from paraeducator certificates through teacher certification.
- Requires an initial report with recommendations in specific areas by January 10, 2015, and a final report by January 10, 2016.
- Requires community and technical college apprenticeship and certificate programs for paraeducators to offer transferrable course credits beginning in 2015-16.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Haigh, Chair; Fagan, Ranking Minority Member; Carlyle, Dahlquist, Haler, Lytton, Pettigrew, Seaquist, Sullivan and Wilcox.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Barbara McLain (786-7383) and Jessica Harrell (786-7349).

Background:

According to the School District Personnel Summary Report published by the Office of the Superintendent of Public Instruction (OSPI), school districts employed 23,083 instructional aides or paraeducators in the 2012-13 school year. This translates into 12,002 full-time equivalent (FTE) staff positions.

The table below indicates the programs to which these paraeducators were assigned.

Headcount figures are duplicated because some individuals are assigned to more than one program.

Program	Headcount	FTE
Special Education	12,718	6,049
Basic Education	10,384	3,077
Title I/Learning Assistance Program	4,525	1,399
English Language Learners	2,014	672
Early Childhood	685	390
Other Education	950	338
Food Services/Transportation	425	77

The Professional Educator Standards Board (PESB) establishes minimum qualifications for teachers and other certificated employees, including standards for cultural competence. However, paraeducators are classified employees. Paraeducators employed using federal Title I funds must meet one of three minimum qualifications:

1. at least two years of postsecondary education at an accredited institution of higher education;
2. an associate degree or higher; or
3. completion of a formal academic assessment of knowledge and skills (currently the Educational Testing Services ParaPro Assessment).

Title I paraeducators acting solely as translators or conducting family engagement activities are only required to have a high school diploma or equivalent.

Under federal law and rules adopted by the OSPI, paraeducators assigned to assist in special education must "present evidence of skills and knowledge necessary to meet the needs of students eligible for special education." A list of 14 Special Education Core Competencies for Paraeducators provides guidance for school districts to assure their paraeducators meet this requirement.

Paraeducators using Braille must pass a competency test, and legislation enacted in 2013 requires that educational interpreters for the deaf must meet a specified competency level beginning in 2016-17. There are also standards for individuals who work in state and

federally funded early learning programs. Otherwise, qualifications for paraeducators are determined by the employing school district.

There are a number of pathway options for paraeducators to meet the minimum qualifications, including apprenticeship programs offered through the Public School Employees of Washington and associate degrees from community and technical colleges. Some community and technical colleges also offer non-degree certificate programs for paraeducators.

Summary of Substitute Bill:

The OSPI must convene a work group to examine the use of paraeducators across school districts, including their roles and assignments in the classroom and the variation in paraeducator deployment in support of teachers. The findings of the work group must be submitted to the PESB by August 31, 2014.

The PESB must convene a work group including the Green River Community College Center of Excellence for Careers in Education, Educational Service Districts, educator associations, community and technical college paraeducator apprenticeship and certificate programs, colleges of education, the OSPI, special education parents and advocacy organizations, organizations representing communities of color, the Educational Opportunity Gap Oversight and Accountability Committee, and at least two paraeducators from each of the education programs for which employment standards will be developed.

By January 10, 2015, the PESB work group must submit a report to the legislative education committees that recommends the following:

1. minimum employment standards and professional development opportunities for paraeducators who work in programs that assist English Language Learner students, the Learning Assistance Program, and Title I;
2. a career ladder that encourages paraeducators to pursue advanced education, professional development, and increased instructional responsibility;
3. an articulated pathway of teacher preparation, including a comparison of current pathways to teaching with the articulated pathway and recommended strategies to address gaps; and
4. professional development for certificated employees that focuses on maximizing the success of paraeducators in the classroom.

The pathway must include:

- paraeducator certificate and apprenticeship programs that offer course credits that apply to transferrable associate degrees and are aligned with the PESB certification standards;
- associate degree programs that add to certificate programs, incorporate field experiences, and are fully transferrable to bachelor's degree programs;
- bachelor's degree programs that lead to teacher certification without duplicating the associate degrees; and
- the PESB standards for cultural competence.

By January 10, 2016, the PESB work group must submit a final report that recommends minimum employment standards and professional development for paraeducators working in Basic Education and special education. The report must also contain recommendations for aligning training for paraeducators with training and standards for home care aides.

The PESB and the State Board for Community and Technical Colleges may exercise their authorities under current law for program and degree approval to implement the articulated pathway.

Beginning in 2015-16 paraeducator certificate and apprenticeship programs offered by community and technical colleges must provide candidates the opportunity to earn transferrable course credits and incorporate the PESB standards for cultural competence.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Education):

(In support) Paraeducators have passion about their work, and they play an important role in education. They would like to have higher standards and an opportunity for professional growth. In 2002 the federal government set a standard for paraeducators working in Title I programs. It was the first time anything was required beyond a high school diploma. This bill is overdue. Paraeducators have no opportunities for training, although special education teachers do. There are discrepancies within the same program.

This bill is about the opportunity gap. It is about students who need additional assistance to reach state standards. Paraeducators provide 52 percent of instruction in special education, 70 percent of instruction in the Transitional Bilingual Instruction Program, and 53 percent of instruction in the Learning Assistance Program. Eighteen million hours of instruction per year are being provided by people with little training, little education, and no support to improve their skills.

Paraeducators are entrusted with data, reporting, and teaching, but have no professional development. A career ladder would provide an incentive for improvement. Paraeducators are not babysitters; they are an extension of the classroom. The ultimate result of this bill would be better education. Teachers need to be a part of the process. They don't know how to work with paraeducators. It is critical that the state step up and provide highly trained, highly qualified paraeducators.

Paraeducators have become a critical resource in the education of high needs students. They do their own planning but receive little support. They are not included in training and instead are expected to learn about new initiatives on their own. These kids are being taught by the least trained staff. It is time to set higher standards and expectations and offer higher quality education to students. Parents of special education students should be included in the work

group. Appropriate training is critical for paraeducators who work with special education students and students with behavioral disorders. This is an important step in assuring that each student has access to the exemplary education that is promised to them.

There is an overwhelmingly positive response to this proposal by parents of special education students. Paraeducators are often assigned to students only after a crisis has erupted, or are assigned interchangeably across students and programs. For some high-needs students, paraeducators are not only the primary instructor, but also the primary caregiver for eating, dressing, and bathroom care. Some parents have removed their children from school because the assigned paraeducator was not adequately skilled.

Although it is important to provide training and a career pathway, the standards must remain flexible so that school districts can hire people in the community who are qualified. It would be counter-productive to shut out diverse, multilingual individuals. Not every paraeducator wants to be a teacher, but there should be a clear pathway if that is their choice. This bill will create recommendations for future legislative action. In the end, this will also impact compensation for paraeducators.

(In support with concerns) The PESB is happy to take on large assignments, but this is a very large project to do well. The minimum standards for employment recommended by this proposal are equivalent to certification for paraeducators. This raises a lot of questions and leads to a great deal of formality. The PESB is a State Licensure Board and will approach this task accordingly. In the end, this will impose costs on the state and on individuals. No other state licenses paraeducators.

More time is needed for the work group, and more time is needed for the colleges to revise their programs accordingly. The implementation of the articulated pathways should be moved to the 2017-18 school year.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations Subcommittee on Education):

(In support) None.

(Opposed) None.

Persons Testifying (Education): (In support) Representative Bergquist, prime sponsor; Randy Dorn, Office of the Superintendent of Public Instruction; Doug Nelson, Reen Doser, Lori Wisemore, and Britta Dionne, Public School Employees of Washington; Sarah Butcher, Bellevue Special Needs Parent Teacher Association; Beth Sigall; Debra Jamison; Arzu Forough, Washington Autism Alliance and Advocacy; Melissa Feroe; Tricia Lubach, Quincy School District Board of Directors; Lucinda Young, Washington Education Association; Trish Thrush, Edmonds Parent Teacher Student Association; and Emily Murphy, One America.

(In support with concerns) Jennifer Wallace, Professional Educator Standards Board; and Kathy Goebel, State Board for Community and Technical Colleges.

Persons Testifying (Appropriations Subcommittee on Education): None.

Persons Signed In To Testify But Not Testifying: None.