

SENATE BILL REPORT

SSB 6129

As Amended by House, March 6, 2014

Title: An act relating to paraeducator development.

Brief Description: Concerning paraeducator development.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hill, McAuliffe, Tom, Dammeier, Hobbs, Litzow, Baumgartner and Mullet).

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/20/14, 1/24/14 [DPS-WM].

Ways & Means: 2/04/14, 2/05/14 [DPS(EDU)].

Passed Senate: 2/12/14, 48-0.

Passed House: 3/06/14, 92-5.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6129 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

Staff: Eric Wolf (786-7405)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6129 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey, Becker, Billig, Braun, Conway, Dammeier, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Kohl-Welles, Padden, Parlette, Rivers, Schoesler and Tom.

Staff: Lorrell Noahr (786-7708)

Background: Paraeducators are classified staff in a school who perform many functions, including providing instructional assistance and tutoring under the supervision of a teacher.

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.

There are no state requirements regarding the educational qualifications of paraeducators, although the Office of Superintendent of Public Instruction (OSPI) has developed recommended core competencies and guidelines for paraeducators.

Under the federal No Child Left Behind Act, paraeducators who provide instruction and are paid in whole or in part by Title I funds must meet a federal definition of highly qualified. Since 2006 Title I paraeducators must have a high school diploma or equivalent, and one of the three of the following:

- have completed two years of study at an institution of higher education;
- have earned an Associate's Degree or higher; or
- demonstrate competency through an approved formal assessment.

In Washington, there are multiple options for the formal assessment, including an online assessment administered by the Educational Testing Service; a portfolio that is graded by a regional review panel; a school district assessment approved by OSPI; or an approved paraeducator apprenticeship program.

Paraeducators who are not associated with Title I are not required to meet these qualifications, although many districts encourage it to allow for flexibility in staffing.

Summary of Substitute Bill: Paraeducator Workgroup. The Professional Educator Standards Board (PESB) must convene a workgroup to design program specific minimum employment standards for paraeducators, professional development and education opportunities that support the standards, a paraeducator career ladder, an articulated pathway for teacher preparation and certification, and teacher professional development on how to maximize the use of paraeducators in the classroom.

The workgroup must include representatives from the following:

- PESB;
- the Green River Community College Center of Excellence for Careers in Education;
- Educational Service Districts;
- community and technical college paraeducator apprenticeship and certificate programs;
- colleges of education;
- teacher, paraeducator, principal, and administrator associations;
- career and technical education;
- special education parents and advocacy organizations;
- community-based organizations representing immigrant and refugee communities;
- community-based organizations representing communities of color;
- the Educational Opportunity Gap Oversight and Accountability Committee; and
- OSPI.

By January 10, 2015, the workgroup must submit a report to the Legislature recommending:

- appropriate minimum employment standards and professional development opportunities for paraeducators who work in English language learner programs, transitional bilingual instruction programs, federal limited English proficiency programs, the Learning Assistance Program, and the Federal Disadvantaged Program;

- a career ladder that encourages paraeducators to pursue advanced education and professional development; and
- professional development for certificated employees that focuses on maximizing the success of paraeducators in the classroom.

The workgroup must also report on proposals for an articulated pathway for teacher preparation including the following:

- paraeducator certificate and apprenticeship programs that offer course credits that apply to transferrable associate degree programs and are aligned with the standards and competencies adopted by PESB;
- associate degree programs that build upon and do not duplicate the courses and competencies of paraeducator certificate programs, incorporate field experiences, are aligned with the standards and competencies for teachers adopted by PESB, and are transferrable to bachelor's degree in education programs and teacher certification programs;
- bachelor's degree programs that lead to teacher certification that build upon and do not duplicate the courses and competencies of transferrable associate degrees;
- incorporation of the standards for cultural competence developed by PESB and codified at RCW 28A.410.270 throughout the courses and curriculum of the pathway, particularly focusing on multicultural education and principles of language acquisition; and
- comparing the current status of pathways for teacher certification to the elements of the articulated pathway, highlighting gaps and recommending strategies to address those gaps.

The workgroup must submit a final report to the education committees of the Legislature by January 10, 2016, detailing minimum employment standards for basic education and special education paraeducators and appropriate professional development and training to help paraeducators meet the employment standards.

The section creating the workgroup expires June 30, 2016.

Implementation of Articulated Pathway. PESB and the State Board of Community and Technical Colleges (SBCTC) are authorized to exercise the authority to implement the articulated pathway regarding teacher preparation and certification recommended by the workgroup in approved teacher certification programs and certificate and degree programs offered by community and technical colleges.

Transferability of Credit. Beginning in the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferrable course credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by PESB and codified at RCW 28A.410.270.

Appropriation: \$150,000 or as much is necessary is appropriated for the fiscal year ending June 30, 2015, from the general fund to PESB.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): PRO: Minimum employment standards for paraeducators are meant to get the best people into the classroom. This bill creates a path to move good paraeducators up to advanced levels of certification. The No Child Left Behind standards for paraeducators are the only standards that exist so far; this bill will create new standards and a way to train paraeducators to meet those standards. Students deserve highly qualified staff; paraeducators work with many students with the most needs, and yet paraeducators often have the least training, which this bill will provide. Paraeducators lack a professional development requirement, unlike teachers. Paraeducators have been asking for additional training for years. Since paraeducators often serve the most needy students, providing paraeducators additional support may help close the achievement gap. Teachers should be included in this process and given tools to manage paraeducators in their classroom, and this bill will provide professional development to teachers on how to effectively use paraeducators as instructional partners. Paraeducators' lack of training leaves students at risk of not being prepared to meet the challenges of the future. Paraeducators often work with students who have little grasp of the English language in providing one-on-one instruction, and this bill emphasizes training that would help paraeducators undertake this role. Paraeducators are also the primary caretakers in the classroom for students with developmental disabilities, and require the additional training to meet the unique challenges accompanying that responsibility. The fact that teachers are also supposed to receive professional development on the use of paraeducators in the classroom is an attractive feature of the bill because many young teachers do not understand the role of paraeducators but could benefit from them most. Paraeducators deliver 18 million hours of annual instruction to Title I students, and additional training and standards for paraeducators will help close the opportunity gap. Paraeducators provide almost 52 percent of the instructional hours in special education each year. If paraeducators have more training and higher standards, the workgroup should also consider raising their salaries.

OTHER: Language should be added to the bill emphasizing the role paraeducators play in special education classes and the specialized training they need to succeed with those students. Parents should be added to workforce group that creates standards. Specifically, parents of children with disabilities should be added to the workgroup. The notion of verifying the qualifications of individual classified staff has not traditionally been under the jurisdiction of PESB, and the Board would like more information on the scope of ways paraeducators are used by each district. The Washington State School Directors Association supports additional professional development for certificated staff, and every district would support additional professional development for paraeducators, but future cost burdens on school districts cannot be determined. The bill has an ambitious timeline to undertake a significant amount of work, and the workgroup may not have the time necessary to make the best choices. The amount of time between when the workgroup offers their recommendations and the community and technical colleges must implement the recommendations is very short.

Persons Testifying (Early Learning & K-12 Education): PRO: Charlotte Shindler, Vera Kay, Deborah Scratch, Lori Wisemore, Kay Ballenger, Doug Nelson, Ken Feser, Janet Yanzick, Amy Bodlorick, Reen Doser, Karen Kulvi, Public School Employees of WA; Emily Murphy, OneAmerica; Lucinda Young, WA Education Assn.; Donna Patrick, Developmental Disabilities Council; Stacy Gillett, Office of the Education Ombudsman; Arzu Forough, WA Autism Alliance; Jennifer Wallace, PESB; Mary Griffin, Seattle Special Education Parent Teacher Student Assn.; Beth Sigall, Nicole Khouw, Sarah Butcher, Debra Janison, citizens.

OTHER: Beth Sigall, citizen; Tina Bloomer, SBCTC; Marie Sullivan, WA State School Directors Assn.

Staff Summary of Public Testimony on Substitute (Ways & Means): PRO: The majority of instruction in the learning assistance program, transitional bilingual instructional program, and special education is provided by paraeducators. The paraeducators have hardly any standards, little if any training, and no incentive to improve themselves. This bill sets in motion a process to develop highly qualified paraeducators that could help close the opportunity gap.

Paraeducators are excited for these standards and access to high quality professional development that is affordable regardless of where they are in the state. The state and school districts may save money down the road if this process is moved to OSPI to develop the standards and professional development instead of creating a possible licensure system through the PESB. Community college faculty is concerned about the timeline to develop curriculum, meet standards, and ensure the transferability of the credits to the four-year universities. Funding exists in the QEC budget for workgroups such as this one.

OTHER: Supports a clear alternative route for paraeducators. We are concerned that school districts will become responsible for helping paraeducators meet these new standards and training. The initial report to the Legislature should include the following: a review by WSIPP to look at how other states are handling standards and professional development for paraeducators; OSPI survey of school districts on how schools are using paraeducators; and a wage analysis of paraeducators.

Persons Testifying (Ways & Means): PRO: Doug Nelson, PSE; Lucinda Young, WA Education Assn.

OTHER: Marie Sullivan, WSSDA.

House Amendment(s): The legislative intent section in the underlying bill has been removed and replaced with a shorter intent section by removing references to data about hours of instruction provided by paraeducators; removing findings about paraeducator knowledge, skills, and commitment to education; and removing findings about paraeducator training being reduced due to budget cuts. A workgroup to be convened by OSPI was added to examine the current use of paraeducators across school districts, to inform the work of the PESB workgroup. The OSPI group must report to the PESB group by August 31, 2014. New members to the PESB workgroup have been added: a maximum of two paraeducators from each program for which specific minimum employment standards will be designed. The PESB workgroup is called on to report on "multiple options for assuring minimum employment standards" for paraeducators

rather than recommendations of minimum employment standards. The PESB workgroup is additionally required to report whether there should be alignment of training requirements of paraeducators with existing training standards for home care aides. Career and technical college apprenticeship and certificate programs must provide transferrable course credits beginning in the 2016-17 academic year, rather than the 2015-16 academic year. An appropriation of \$150,000 to PESB to convene and administer the workgroup is removed. A null and void clause has been added.