

# SENATE BILL REPORT

## E2SSB 5179

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As Amended by House, April 15, 2015

**Title:** An act relating to paraeducators.

**Brief Description:** Concerning paraeducators.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hill, McAuliffe, Litzow, Mullet, Hobbs and Dammeier).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/22/15, 2/12/15 [DPS-WM].

Ways & Means: 2/23/15, 2/26/15 [DP2S, DNP, w/oRec].

Passed Senate: 3/10/15, 45-3.

Passed House: 4/15/15, 90-8.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5179 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; Billig, Fain, Mullet, Rivers and Rolfes.

**Staff:** Matthew Lemon (786-7405)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5179 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Brown, Conway, Fraser, Hatfield, Hewitt, Kohl-Welles, O'Ban, Parlette, Schoesler and Warnick.

**Minority Report:** Do not pass.

Signed by Senator Hasegawa.

**Minority Report:** That it be referred without recommendation.

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*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.*

Signed by Senators Billig, Padden and Rolfes.

**Staff:** Lorrell Noahr (786-7708)

**Background:** Paraeducators. Paraeducators are classified staff in a school who perform many functions, including providing instructional assistance and tutoring under the supervision of a teacher. 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 federal Title I funds must meet a federal definition of highly qualified. Since 2006, federal Title I paraeducators must have a high school diploma or equivalent, and one 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 federal Title I are not required to meet these qualifications, although many districts encourage it to allow for flexibility in staffing.

Paraeducator Standards Workgroup. In 2014 the Legislature directed the Professional Educator Standards Board (PESB) to 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.

As directed by the Legislature, the workgroup submitted their first report to the Legislature in December 2014, recommending the following:

- 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 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.

**Summary of Engrossed Second Substitute Bill:** The stated intent is to set common statewide standards, training, and career development for paraeducators, as well as training for teachers and principals who have paraeducators in their classrooms.

Minimum Employment Standards for Paraeducators. Effective September 1, 2015, the minimum employment standards are defined in statute for paraeducators working in the Learning Assistance Program, federal disadvantaged programs, and English language learner programs. At minimum, paraeducators working in these programs must:

- be at least age 18, hold a high school diploma or equivalent, and have received a passing grade on the Education Testing Service's Paraeducator Assessment;
- hold an associate of arts degree; or
- have earned a 72 quarter credits or 48 semester credits at an institution of higher education.

Paraeducator Oversight Board. By September 1, 2015, a Paraeducator Board (Board) must be established to administer policies and rules for the preparation and certification of paraeducators who work in the Learning Assistance Program, the federal disadvantaged programs, or the English language learner program. Administrative support for the Board must be provided by PESB. The Board must also administer policies and rules related to the paraeducator career ladder and pathways to teacher certification for paraeducators. The Board's membership includes the following:

- a paraeducator, teacher, and principal, each appointed by the Superintendent of Public Instruction;
- a parent whose child receives instructional support from a paraeducator appointed by the Washington State Parent Teacher Association;
- a representative of the community and technical colleges appointed by the State Board of Community and Technical Colleges;
- a representative of the institutions of higher education appointed by the Student Achievement Council; and
- a nonvoting facilitator appointed by PESB.

Paraeducator Certification. Any certification standards adopted by the Board must include standards on supporting instructional opportunities in the classroom, demonstrating professionalism and ethical practices, supporting a safe and positive learning environment for students, communicating effectively and participating in the team process, and demonstrating cultural competency. By September 1, 2017, all school districts must begin implementation of paraeducator certification for paraeducators working in the Learning Assistance Program, the federal disadvantaged programs, and the English language learner program. Paraeducators working in these programs have three years to acquire certification.

Any certification standards adopted by the Board must include standards on supporting instructional opportunities in the classroom, demonstrating professionalism and ethical practices, supporting a safe and positive learning environment for students, and communicating effectively and participating in the team process. The Board must also develop a practicum to train paraeducators on these employment standards and to ensure that paraeducators have multiple methods to access training for certification. The Board is also permitted to establish paraeducator certification fees. OSPI must be provided with funds necessary to administer the paraeducator certificates and endorsements.

The paraeducator certificate and any additional endorsements are valid for five years. To renew their certificate or endorsement, paraeducators must complete an unspecified number of clock hours of professional development to be determined by the Board. The Board may develop training modules to support this professional development.

English Language Learning Program Paraeducator Endorsements. Beginning September 1, 2017, paraeducators who work in English language learner programs must acquire a new English language learner paraeducator endorsement within three years. The Board must adopt rules necessary to implement the endorsement and related training standards, and to ensure that training is made available to paraeducators in a variety of means that limits cost and improve access.

Advanced Paraeducator Endorsement. By September 1, 2017, the Board must develop rules for an advanced paraeducator endorsement, as well as training modules and a renewal process for the advanced paraeducator endorsement. These rules must include provisions that allow advanced paraeducator endorsement-holders to replace a certificated teacher in short absence situations in districts that experience difficulty finding substitute teachers. The responsibilities of an advanced paraeducator are specified as mentoring or coaching other paraeducators, assisting in highly impacted classrooms, providing short-term substitution in the absence of a certificated teacher, and assisting in specific specialized instructional support and technology applications.

Professional Development for Teachers and Principals. PESB must design and implement a training program for teachers and principals on working effectively with paraeducators and how to direct a paraeducator in the classroom.

Paraeducator Associate of Arts Requirements. Training programs for paraeducator associate of arts degrees must include training in the paraeducator certification standards adopted by the Board.

Paraeducator Effectiveness Study. Subject to appropriation, the Washington State Institute for Public Policy must conduct a study on the effectiveness of paraeducators in improving student outcomes in the state. The final report must be submitted to the Legislature by December 15, 2016.

The new duties and requirements of this bill are subject to appropriations by the Legislature.

**Appropriation:** None.

**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: This bill was developed from the 180-page report and recommendations

issued by PESB's Paraeducator Standards Workgroup. This is a significant and critical educational reform because paraeducators have so much impact on student learning and growth. One critical component of this bill is that it requires additional training for teachers and principals on how to use paraeducators effectively in the classroom. The standards for deaf or hard of hearing paraeducators have already been raised to a high bar, and all other paraeducators should be held to higher standards. The Paraeducator Standards Workgroup and its subcommittees spent many hours across monthly meetings over the past year developing the recommendations that are implemented by this bill. The bill creates a career ladder for paraeducators that will give them meaningful opportunity for advancement. Washington would be the first state to implement a paraeducator program this robust. Paraeducators provide a majority of instructional hours in programs designed to close the opportunity gap and often bring more diverse backgrounds and cultural experiences into the classroom. The State Board of Community and Technical Colleges supports the adoption of common employment standards and improving pathways for paraeducators to advance in their careers or obtain teacher certification.

OTHER: The bill should be amended to specify that any student completing the associate of arts degree for paraeducators at a Washington community or technical college should be automatically certified. The certification fee should not be charged to paraeducators who have already gone through the associate of arts degree program. Implementation of the employment standards into the State Board of Community and Technical College's standards is called for by June 2015, but the Paraeducator Oversight Board will not convene until September 2015. PESB is asked to develop and provide a practicum system to train paraeducators, something PESB has never done before as it is generally an agency that regulates other training providers. This legislation is moving forward prior to the completion of the Paraeducator Standards Workgroup's work, and addresses recommendations of the workgroup that did not receive unanimous support among its members. Members of the workgroup are concerned that they will be unable to pay for professional development that is required for certification. The three-year certification period should be extended to five years. The membership of the Oversight Board should be expanded to include three paraeducators, so that more paraeducators from the English language learner and federal disadvantaged programs can participate. There is concern that current paraeducators must also obtain certification and professional development. The workgroup recommended a five-year phase-in period for certifications and endorsements, but this bill sets a three-year period instead. The Legislature must provide full funding to support the new paraeducator standards.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Hill, prime sponsor; Doug Nelson, Public School Employees, Service Employees International Union 1948; Britta Dionne, paraeducator; Eric Gonzalez, OneAmerica; Kathy Goebel, State Board of Community and Technical Colleges; Jennifer Karls, citizen.

OTHER: David Brenna, PESB; Lucinda Young, WA Education Assn.; Dan Steele, WA Assn. of School Administrators.

**Staff Summary of Public Testimony on Substitute (Ways & Means):** PRO: It is important to children affected by the education opportunity gap to begin this work. The state provides \$660 million for the Learning Assistance Program and the Transitional Bilingual

Program for the students who need the most educational support. Fifty-six percent of the instructional hours provided in these programs are provided by paraeducators who have little training and few standards. There is no other paraeducator program like this in the nation. It is suggested to start the program small and grow as more paraeducators are certified.

OTHER: This bill does not provide a funding source for the additional training for principals, teachers, and paraeducators. Paraeducators may ask for additional salary after the additional training and licensure. This bill does not direct anyone to prepare the coursework for paraeducators to become licensed. This coursework should be offered for free.

**Persons Testifying (Ways & Means):** PRO: Doug Nelson, Public School Employees of WA, Service Employees International Union 1948; Jennifer Karls, citizen.

OTHER: Lucinda Young, WA Education Assn.; Dan Steele, WA Assn. of School Administrators.

**House Amendment(s):** The amendments strike all the provisions of the underlying bill. A summary of the provisions in the amendments follows:

Minimum Employment Entry Standards for Paraeducators. Effective September 1, 2015, the minimum employment entry standards are defined in statute for paraeducators working in the Learning Assistance Program, federal disadvantaged programs, and English language learner programs. At minimum, paraeducators working in these programs must:

- be at least age 18, hold a high school diploma or equivalent, and have received a passing grade on the Education Testing Service's Paraeducator Assessment;
- hold an associate of arts degree; or
- have earned 72 quarter credits or 48 semester credits at an institution of higher education.

Paraeducator Professional Practices Committee. By September 1, 2015, the PESB must establish a Paraeducator Professional Practices Committee (Committee) to advise the PESB, the Washington State Board for Community and Technical Colleges (SBCTC), and OSPI on the training and development of paraeducators. PESB must oversee and administer the Committee. The Committee's membership includes the following:

- a paraeducator, teacher, principal, and human resources director, each appointed by OSPI;
- a parent whose child receives instructional support from a paraeducator appointed by the Washington State PTA;
- a representative of the community and technical college system appointed by the SBCTC; and
- a representative of the four-year institutions of higher education appointed by the Western Association of Schools and Colleges.

Standards, Endorsements, and Courses of Study. Subject to the availability of amounts appropriated for this specific purpose, PESB must adopt state Standards of Practice (SOP) based on the recommendations of the Paraeducator Standards Workgroup for paraeducators working in the programs listed above. The standards must include supporting instructional opportunities; demonstrating professionalism and ethical practices; supporting a safe and positive learning environment for students; communicating effectively and participating in the team process; and

demonstrating cultural competency. PESB must also adopt standards and rules for the issuance of an English language learner (ELL) endorsement.

The Committee must propose that PESB adopt standards and rules for an Advanced Paraeducator Endorsement that must qualify the advanced paraeducator to mentor or coach other paraeducators; assist in highly impacted classrooms; assist in specific specialized instruction support or technology applications; and substitute for teachers in short absence situations in districts with substitute teacher shortages.

The Committee must collaborate with SBCTC, OSPI, and the educational service districts to recommend courses of study necessary to meet the SOP and endorsement standards. The courses of study must be available through various means that limit cost and improve access. PESB must approve courses of study related to the SOP and ELL endorsement by July 1, 2016, and must approve courses of study related to the Advanced Paraeducator endorsement by September 1, 2017.

Paraeducator Standards Pilots. Beginning in 2016-17 and subject to appropriations, PESB must distribute grants to districts that volunteer to participate in a collaborative process piloting the SOP and ELL endorsements. The districts must report to the Committee and PESB by September 1, 2017, and September 1, 2018, with the outcomes of the pilot and recommendations for implementing the SOP statewide. The outcomes to be reported must include an analysis of costs to the district to implement the standards, endorsements, and courses of study; any costs to paraeducators to meet the standards; the number of paraeducators in the district that meets the standards; and the impact on the size and assignment of the paraeducator workforce as a result of the pilot.

The Committee and PESB, in collaboration with relevant entities, must submit a report to the Legislature by December 1, 2017, that includes the outcomes of the pilot; recommendations on whether the state should implement the standards and endorsements statewide; and the effects of establishing a system of continuing education, licensure, endorsement, or alternative training verification processes and fees. The report must be updated in 2018.

Statewide Implementation. No later than September 1, 2018, and subject to appropriations, all school districts must begin implementing the SOP for paraeducators working in the programs listed above according to a phase-in schedule specified by the Legislature.

Paraeducator Associate of Arts Requirements. Beginning September 1, 2016, and subject to appropriations, the training programs for paraeducator associate of arts degrees and apprenticeship or certificate programs for paraeducators must incorporate the SOP adopted by PESB.