

HOUSE BILL REPORT

ESHB 1115

As Amended by the Senate

Title: An act relating to paraeducators.

Brief Description: Concerning paraeducators.

Sponsors: House Committee on Education (originally sponsored by Representatives Bergquist, Muri, Ortiz-Self, Harris, Stanford, Stambaugh, Gregerson and Kilduff).

Brief History:

Committee Activity:

Education: 1/26/17, 2/9/17 [DPS];

Appropriations: 2/20/17, 2/21/17 [DPS(ED)].

Floor Activity:

Passed House: 3/2/17, 93-5.

Senate Amended.

Passed Senate: 4/12/17, 49-0.

Brief Summary of Engrossed Substitute Bill

- Creates the Paraeducator Board with listed members and duties.
- Requires paraeducators to meet certain minimum employment standards by September 1, 2017.
- Requires districts to provide paraeducators with access to a course of study on the state standards of practice, beginning September 1, 2019, subject to funding and other specified requirements.
- Requires development of specialty certificates in special education and English language learner that paraeducators may obtain.
- Requires teacher and administrator preparation and professional learning programs that describe how to work with paraeducators.
- Expands scholarship programs for paraeducators.
- Specifies that the following are subject to funding by the Legislature:
 - training of current teachers and principals on how to work with paraeducators;
 - providing grants to districts to pilot the standards and specialty certificates;

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- a study on the effectiveness of paraeducators; and
- incorporation of the paraeducator standards of practice into paraeducator degree and certificate programs.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele and Volz.

Minority Report: Do not pass. Signed by 2 members: Representatives Caldier and Stokesbary.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist, Cody, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Tharinger, Volz and Wilcox.

Minority Report: Do not pass. Signed by 7 members: Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys, Caldier, Condotta, Taylor and Vick.

Staff: Jessica Harrell (786-7349).

Background:

Paraeducators. Paraeducators work under the supervision of teachers to provide various levels of support, including performing instructional duties, assisting with classroom management, and acting as translator. The federal Every Student Succeeds Act, enacted in December 2015, directs the Office of the Superintendent of Public Instruction (OSPI) to develop minimum state standards that must be met by paraeducators who work in Title I, part A programs, which provide financial assistance to schools and school districts with high numbers of children from low-income families. Until the new standards are developed, the OSPI will continue to apply the federal paraeducator requirements used under the prior federal law. Prior federal law required paraeducators to have a high school diploma or equivalent, and complete one of the following tasks:

- complete two years of study at an institution of higher education;
- earn an associate degree or higher;

- pass an assessment that measures skills and content knowledge related to reading, writing, and math; or
- complete a Washington paraeducator portfolio or apprenticeship program.

Individual school districts may require more education or higher credentials than are required by state or federal laws.

Community and technical colleges (CTCs) may offer paraeducator degree programs, apprenticeship programs, or certificate programs.

Paraeducator Standards Work Group. In 2014 the Legislature directed the Professional Educator Standards Board (PESB) to convene the Paraeducator Standards Work Group (Para Work Group) 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 Para Work Group submitted its first report to the Legislature on January 7, 2015, and recommended the following:

- appropriate minimum employment standards and professional development opportunities for paraeducators who work in English language learner (ELL) 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;
- an articulated pathway for teacher preparation; and
- professional development for certificated employees that focuses on maximizing the success of paraeducators in the classroom.

On January 10, 2016, the Para Work Group submitted its final report to the Legislature, additionally recommending:

- foundational employment standards for basic education paraeducators, and specialized standards for paraeducators who work in ELL and special education programs;
- a standard definition of paraeducator;
- a permanent paraeducator advisory board under the OSPI;
- a paraeducator professional development system and certificate of completion for ELL and special education endorsements;
- a cost effective statewide tracking system to support required coursework completed by paraeducators;
- certification renewal every five years that includes minimal cost professional development available via multiple pathways;
- a template for a paraeducator handbook for school districts;
- educator training that incorporates appropriate and effective use of paraeducators; and
- professional development for certificated employees that focuses on effective planning, collaboration, and supervision of paraeducators.

Teacher Certification for Paraeducators. The Pipeline for Paraeducators Conditional Scholarship (Paraeducator Scholarship) program is available to paraeducators who want to become teachers. Eligible paraeducators must have at least three years of classroom experience, but no college degree. It is anticipated that individuals enrolled in the program will complete their Associate of Arts degree in two years or less and become eligible for a mathematics, special education, or English as a second language endorsement via Route One of the Alternative Route to Teacher Certification (Alternative Route One) program. The Alternative Route programs are designed to fill subject or geographic shortage areas by allowing individuals with work and life experience to segue into teaching through flexible, expedient teacher preparation programs. In these programs, school districts, or districts in cooperation with an Educational Service District (ESD), work in partnership with teacher preparation programs to offer shortened, field-based preparation programs with a mentored internship.

E-certification. Educators can apply or renew a Washington teaching certificate online through the OSPI's E-Certification application. E-Certification provides application services for state teachers, administrators, educational staff associates, and career and technical educators.

Cultural Competency Standards. In 2009 the PESB was directed to adopt articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. These standards were required, to the extent possible, to include standards for cultural competency, meaning: knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

Washington State Institute for Public Policy. The Legislature created the Washington State Institute for Public Policy (WSIPP) in 1983 to conduct nonpartisan research at the direction of the Legislature or the WSIPP's Board of Directors. The WSIPP's Board of Directors is made up of 16 members that represent the Legislature, Governor, and public universities.

Summary of Engrossed Substitute Bill:

Definition of Paraeducator. A paraeducator means a classified school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional services to students and their families. Paraeducators are not considered certificated instructional staff.

Paraeducator Board. The nine member Paraeducator Board (board) is created. The PESB must administer the board. Members of the board may create informal advisory groups as needed to inform the board's work.

The board has the following powers and duties:

- based on the recommendations of the Para Work Group, adopt minimum employment requirements for paraeducators and paraeducator standards of practice;

- based on the recommendations of the Para Work Group, establish requirements and policies for paraeducator specialty certificates in ELL and special education;
- approve courses of study necessary to meet the state standards of practice for paraeducators and the requirements for specialty certificates, where the courses of study are offered in a variety of means that will limit cost and improve access;
- collaborate with the OSPI to adapt the E-Certification process to include paraeducator specialty certificates; and
- adopt rules for the effective and efficient implementation of this chapter.

Members serve four-year terms and may not serve for more than two consecutive terms. The Governor must biennially appoint the chair, who may not serve for more than four consecutive years. Appointment, reappointment, and vacancy filling must be made as follows, subject to confirmation by the Senate:

- the Superintendent of Public Instruction (SPI) must appoint a basic education paraeducator, a special education paraeducator, an ELL paraeducator, a teacher, a principal, and a representative of the SPI's office (OSPI);
- the Washington State Parent Teacher Association must appoint a parent whose child receives instructional support from a paraeducator;
- the State Board for Community and Technical Colleges must appoint a representative of the CTC system; and
- the Student Achievement Council must appoint a representative of a four-year institution of higher education.

The Governor may remove a member for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct by following specified due process procedures.

Minimum Employment Standards. Effective September 1, 2017, paraeducators must meet minimum employment requirements. The requirements are that a paraeducator be at least 18 years of age, hold a high school diploma or equivalent, and meet one of the following conditions:

- have received a passing grade on the Education Testing Service's Paraeducator Assessment;
- hold an Associate of Arts degree;
- have earned 72 quarter credits or 48 semester credits at an institution of higher education; or
- have completed a registered apprenticeship program.

Standards of Practice. The state standards of practice for paraeducators must include:

- supporting instructional opportunities;
- demonstrating professionalism and ethical practices;
- supporting a positive and safe learning environment;
- communicating effectively and participating in the team process; and
- demonstrating cultural competency aligned with standards developed by the PESB.

Subject to funding by the Legislature, beginning September 1, 2019, school districts must provide access to a four day course of study on the state standards of practice, such as the course approved by the board, to paraeducators who have not completed the course, either in

the district or in another district within the state. Districts may collaborate with other school districts or ESDs to meet this requirement.

School districts must use best efforts to provide paraeducators with access to the course of study before the paraeducator begins to work with students and their families, and at a minimum by the following deadlines:

- for paraeducators hired on or before September 1, by September 30 of that year, regardless of the size of the district; and
- for paraeducators hired after September 1:
 - for districts with 10,000 or more students, within four months of the date of hire; and
 - for districts with fewer than 10,000 students, no later than September 1 of the following year.

Specialty Certificates. The rules adopted by the board for paraeducator specialty certificates in special education and ELL must include the following requirements:

- a specialty certificate is not a prerequisite for a paraeducator working in any program;
- paraeducators may become eligible for a specialty certificate by completing 20 hours of professional development in the subject area of the certificate; and
- specialty certificates expire after five years.

The SPI must charge an application processing fee for paraeducator specialty certificates and subsequent actions. The SPI must set the amount at a sufficient level to defray the cost of administering the specialty certificate program.

Piloting of Standards and Certificates. By September 1, 2018, and subject to funding by the Legislature, the board must distribute grants to a diverse set of school districts that volunteer to pilot the standards of practice and the specialty certificates. By September 1, 2019, the volunteer districts must report to the board with the outcomes of the pilot and any recommendations for implementing the standards of practice and specialty certificates statewide. The outcomes reported must include:

- an analysis of the costs to the district to implement the state standards of practice by making available the required course of study;
- the number of paraeducators who completed the course of study in the standards of practice;
- the number of paraeducators who earned a special education or ELL specialty certificate;
- any cost to the district and the paraeducator to earn a specialty certificate; and
- the impact on the size and assignment of the paraeducator workforce as a result of the pilot.

By November 1, 2019, the board must submit a report to the Legislature that summarizes the outcomes of the pilots and recommends any statutory changes necessary to improve the standards of practice, specialty certificate requirements, and courses of study necessary to meet these standards and requirements, among other things.

Teacher and Administrator Preparation and Professional Learning. The SPI, the PESB, and the board must work together to incorporate into educator preparation programs and design a training program for teachers and administrators that includes, the following content:

- for teachers, information on how to direct a paraeducator working with students in the paraeducators' classroom; and
- for administrators, information on how to supervise and evaluate paraeducators.

Subject to funding by the Legislature, the teacher and administrator training program must be made available to public schools, school districts, and the ESDs.

Paraeducator Certificate and Degree Requirements. By September 1, 2018, the Paraeducator Associate of Arts, apprenticeship, and certificate programs at CTCs must incorporate the state paraeducator standards of practice, subject to funding by the Legislature.

Teacher Certification for Paraeducators. The Paraeducator Scholarship and Alternate Route One programs are expanded to applicants seeking teacher endorsements in subject matter shortage areas, as defined by the PESB.

Study on the Effectiveness of Paraeducators. Subject to funding by the Legislature, the WSIPP must conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington, and nationally. The study must examine variations in the use of paraeducators across schools and districts, and analyze whether any differences in academic progress can be attributed to the use of paraeducators. The OSPI and the Education Research and Data Center must provide the data necessary to conduct the analysis. The WSIPP must submit a final report to the Legislature by December 15, 2017.

A 1993 statute related to a paraprofessional training program is repealed.

EFFECT OF SENATE AMENDMENT(S):

The striking amendment makes a variety of changes to paraeducator certificate provisions. First, it requires the board to establish requirements and policies for a general paraeducator certificate. A paraeducator becomes eligible for this certificate by completing a four-day fundamental course of study and 10 days of general courses on the state paraeducator standards of practice. The amendment provides that paraeducators are not required to meet the general certificate requirements unless amounts are appropriated for these courses. The amendment maintains the requirement that, if funded by the Legislature, the four-day fundamental course of study be provided to paraeducators by specified deadlines.

In addition, the striking amendment requires that, beginning September 1, 2019, and subject to funding by the Legislature, school districts: (1) provide paraeducators with general courses on the standards of practice, and (2) ensure all paraeducators meet the general certification requirements within three years of completing the four-day fundamental course of study. It also specifies that the board approve, and develop if necessary, any courses required for paraeducators to meet these requirements by September 1, 2018.

Next, the striking amendment requires the board to establish requirements and policies for an optional advanced paraeducator certificate, based on the recommendations of the Para Work Group. A paraeducator becomes eligible for this five-year certificate by completing 75 hours of professional development in topics related to the duties of an advanced paraeducator. The duties of an advanced paraeducator may include: assisting in highly impacted classrooms, assisting in specialized instructional support and instructional technology applications, mentoring and coaching other paraeducators, and acting as a short-term emergency substitute teacher. The board must also make policy recommendations, as necessary, for a paraeducator career ladder that will increase opportunities for paraeducator advancement through advanced education, professional learning, and increased instructional responsibilities.

Furthermore, the striking amendment changes the term "specialty certificates" to "subject matter certificates." It also specifies that the SPI is the administrator of any board rules and has the power to issue any paraeducator certificates and revoke the same in accordance with board rules.

Finally, the striking amendment makes the statewide minimum employment requirements for paraeducators effective September 1, 2018, rather than 2017.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Education):

(In support) The committee has heard the subject matter in this bill before. The paraeducator work group was diligent in coming up with standards for paraeducators and opportunities for certification, as well as professional development. This gives an opportunity for paraeducators to improve, to have opportunities to develop within their profession, and to become a teacher through alternative routes. The bill would also create certificates for ELL and special education paraeducators, so that paraeducators have an opportunity to grow within their field. These certificates would be voluntary but could easily lead to higher pay in these fields. It was important not to burden paraeducators financially, because they earn one-quarter to one-third of what most teachers earn. This bill does not require paraeducators to pay to obtain a certificate. Some people appreciate the removal of the requirement to implement a certificate in three years.

There are 13,000 paraeducators across the state. This bill is vital to paraeducators, who are vital to the education system. This policy does not take away from certificated teachers; it actually helps the teachers to help students be successful. Some teachers have multiple paraeducators to manage them, in addition to all the students in the classroom. Paraeducators need collaboration time with teachers to find out what is successful and what is not.

The state spends \$1-1.5 billion to assist students in the opportunity gap. Paraeducators provide 19 million hours of instructional time to students in the opportunity gap, including

special education and ELL students. Last year districts cut 232,000 hours of teacher time and added 972,000 hours paraeducator time. This increased the reliance on paraeducators. Paraeducators look like the kids that they work with, and this helps to bridge the opportunity gap. If the state wants to correct and deal with the opportunity gap, then legislators should take some time thinking about paraeducators.

This bill touches on the civil rights and educational needs of paraeducators. Kids are not engaged in basic learning because the paraeducators who are teaching them are not trained and sometimes do not even know the learning goals of their students. Paraeducators are wonderful and hardworking individuals, but have received little training to do their complex work. We can no longer tolerate having no standards for the training of paraeducators, no training for paraeducators and principals on how to support paraeducators, and no career ladder for paraeducators to advance, which means paraeducators have little motivation to advance their skill set. Paraeducators give instruction under certificated staff and manage classroom settings, often alone. They work with the social, emotional, and academics of students all day. The on-the-job training that has been relied on has led to staff burnout, occurrences of malpractice, and negatively impacting kids. There used to be a state-funded paraeducator conference, but it is no longer offered. Education is changing all the time, so paraeducators need training. Competency based testing will give paraeducators years of opportunity to meet the standards. Paraeducators need high quality professional development that is funded by the state to allow school districts to have the time for paraeducators to take the courses. The Governor's proposed budget included professional development days for classified staff, such as paraeducators, and this bill proposes using four of those days.

A systemic process for credentialing paraeducators will increase quality and recognize the critical role paraeducators have in supporting instruction to students. Paraeducators are empowered by knowing that people are fighting for them to have training, standards, and respect. Small rural, high poverty districts are unique. These districts want training opportunities to be available to paraeducators. The bill should not inadvertently create barriers for people in remote areas to accessing training. It is important to pay paraeducators well enough that they will want to take a greater role in the schools.

Paraeducators are already classroom instructors. The alternative route component of this bill will encourage more paraeducators to become teachers, which will reduce the teacher shortage. School districts often spend time and money to recruit teachers from out of the area, just to see them leave to another school district after they have met minimum requirements. A pipeline for paraeducators who are interested in becoming teachers will increase the diversity of the teaching workforce because paraeducators more closely match the racial and ethnic demographics of the students. The bill give districts flexibility on getting their paraeducators into a teacher program that will actually meet the needs of districts.

The Washington Student Achievement Council is directed to appoint the representative of a four-year institutions of higher education, but the appointing organizations should be the Council of Presidents, which represents the state's six four-year institutions, to reduce bureaucracy. The proposed substitute has three paraeducators on the board rather than one; this is good.

The bill's standards align to the draft Every Student Succeeds Act implementation plan, which specifies that paraeducators would have to continue to meet the highly qualified paraeducator requirements until the Legislature fully adopts the standards recommended by the paraeducator standards work group. The OSPI's equity plan included expanding the paraeducator pipeline and an alternative route to teacher certification.

(Opposed) None.

(Other) The proposed substitute goes a long way to address some concerns about a mandatory requirement for paraeducator licensure. There was concern that the paraeducator workforce would be damaged if paraeducators did not have the personal funds and the time and energy to obtain the license. Some administrators are concerned the optional licensure will lead to an expectation of higher pay, but no additional support for higher pay is provided for districts in the proposed substitute. This would put increased pressure on local levies. It is time to start implementing the standards and providing the training and professional development that is needed for paraeducators.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill will cost the state money, but in the end it will save the state money. For the first time there will be professional development for paraeducators. The licensure aspect of the bill is voluntary. The bill will save the state money because paraeducators work directly with students, and the bill will help paraeducators meet students' needs.

(Opposed) None.

(Other) Paraeducators play a critical role in the opportunity gap. Paraeducators do not receive training, and there are no specific standards for what they must know. However, paraeducators provide thousands of hours of instructional time to students. Without better trained paraeducators, the opportunity gap cannot be closed.

Persons Testifying (Education): (In support) Representative Bergquist, prime sponsor; Doug Nelson, Service Employees International Union 1948; Patrick Mulick, Auburn School District; Ruth Mackie, Public School Employees of Tahoma; J.C. Mitchell, Bellevue Christian Church; and Kevin Foster, Valley School District.

(Other) David Brenna, Professional Educator Standards Board; and Dan Steele, Washington Association of School Administrators.

Persons Testifying (Appropriations): (In support) Lucinda Young, Washington Education Association.

(Other) Doug Nelson, Public School Employees Service Employees International Union 1948.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.