

SENATE BILL REPORT

ESHB 1115

As Passed Senate - Amended, April 12, 2017

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: Passed House: 3/02/17, 93-5.

Committee Activity: Early Learning & K-12 Education: 3/28/17, 3/28/17 [DPA-WM].
Ways & Means: 3/30/17 [DPA(EDU)].

Floor Activity:

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

Brief Summary of Bill (As Amended by Senate)

- Creates the paraeducator board with specified members and duties.
- Requires paraeducators to meet certain minimum employment standards by September 1, 2018.
- Requires, subject to funding, school districts to provide paraeducators with a fundamental course of study on the state standards of practice and ensure paraeducators meet general certificate requirements beginning September 1, 2019.
- Creates optional subject matter certificates in special education and English language learner, and an optional advanced paraeducator certificate.
- 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 for teachers and principals on how to work with paraeducators; grants to districts to pilot the standards and specialty certificates; a study on the effectiveness of paraeducators; and incorporating paraeducator standards of practice into paraeducator degree and certificate programs.

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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

Staff: Alia Kennedy (786-7405)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Early Learning & K-12 Education.

Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Fain, Hasegawa, Keiser, Miloscia, Padden, Pedersen, Rivers, Schoesler, Warnick and Zeiger.

Staff: Jeffrey Mitchell (786-7438)

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 translators. In Washington, there are no educational qualifications or licensure requirements for paraeducators. However, special education paraeducators must have the skills and knowledge necessary to meet the needs of students eligible for special education, and work under the supervision of a certificated teacher with a special education endorsement or a certificated educational staff associate. In addition, the Office of the Superintendent of Public Instruction (OSPI) has developed recommended core competencies and guidelines for paraeducators who work in education and related service programs for students with disabilities.

Paraeducator Work Group. 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.

The workgroup submitted its 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 (ELL) programs, transitional bilingual instruction programs, federal limited English proficiency programs, the learning assistance program (LAP), 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 workgroup 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 for paraeducator;
- a permanent paraeducator advisory board under 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 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 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, 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 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, 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 Amended 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. PESB must administer the board. Members of the board may create informal advisory groups as needed to inform the board's work.

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:

- OSPI must appoint a basic education paraeducator, a special education paraeducator, an ELL paraeducator, a teacher, a principal, and an OSPI representative;
- 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 community and technical college system; and
- the Washington 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.

The board has the following powers and duties:

- based on the recommendations of the Paraeducator Work Group, adopt minimum employment requirements for paraeducators and paraeducator standards of practice;
- establish requirements and policies for a general paraeducator certificate;
- based on the recommendations of the Paraeducator Work Group, establish requirements and policies for subject matter certificates in ELL and special education;
- based on the recommendations of the Paraeducator Work Group, establish requirements and policies for an advanced paraeducator certificate;
- approve, and develop if necessary, courses required to meet the requirements of this act, where the courses are offered in a variety of means that will limit cost and improve access;
- 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 responsibility;
- collaborate with OSPI to adapt the E-Certification process to include paraeducator specialty certificates; and
- adopt rules for the effective and efficient implementation of this chapter.

OSPI is the administrator of any such rules and has the power to issue and revoke any paraeducator certificates in accordance with board rules.

Minimum Employment Standards. Effective September 1, 2018, 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 PESB.

Fundamental Course of Study. Subject to funding by the Legislature, beginning September 1, 2019, school districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts may collaborate with other school districts or educational service districts to meet this requirement.

School districts must use best efforts to provide paraeducators with the fundamental 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 1st, by September 30th of that year, regardless of the size of the district; and
- for paraeducators hired after September 1st:
 - 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 1st of the following year.

General Paraeducator Certificate. Paraeducators may become eligible for a general paraeducator certificate by completing the fundamental course of study and an additional ten days of general courses on the state paraeducator standards of practice, as defined by the board. Paraeducators are not required to meet general paraeducator requirements unless the Legislature appropriates funding specifically for this purpose.

Beginning September 1, 2019, subject to funding by the Legislature, school districts must:

- provide paraeducators with the general courses on the state paraeducator standards of practice; and
- ensure all paraeducators employed by the district meet the general certification requirements within three years of completing the fundamental course of study.

The general paraeducator certificate does not expire.

Paraeducator Subject Matter Certificates. The rules adopted by the board for paraeducator subject matter certificates in special education and ELL must include the following requirements:

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

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

Advanced Paraeducator Certificate. An advanced paraeducator certificate means a credential earned by a paraeducator who may have the following duties: 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 rules adopted by the board for advanced paraeducator certificates must include the following requirements:

- an advanced paraeducator certificate is not a prerequisite for a paraeducator working in any program;
- paraeducators may become eligible for an advanced paraeducator certificate by completing 75 hours of professional development in topics related to the duties of an advanced paraeducator; and
- advanced paraeducator certificates expire after five years.

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, paraeducator certificates, and paraeducator courses.

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, paraeducator certificates, and paraeducator courses 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 four-day fundamental course of study;
- the number of paraeducators who completed the course of study in the standards of practice;
- the number of paraeducators who earned an advanced paraeducator certificate, or a special education or ELL subject matter certificate;

- any cost to the district and the paraeducator to earn a 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, paraeducator certificate requirements, and courses of study necessary to meet these standards and requirements, among other things.

Teacher and Administrator Preparation and Professional Learning. OSPI, 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 educational service districts.

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

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

Study on the Effectiveness of Paraeducators. Subject to funding by the Legislature, 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. OSPI and the Education Research and Data Center must provide the data necessary to conduct the analysis. WSIPP must submit a final report to the Legislature by December 15, 2017.

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

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Bill as Amended by Committee (Early Learning & K-12 Education): PRO: This is a collaborative bill with compromises that everyone likes. Paraeducators are coming in with no training. Paraeducators want standards and training that provide a career path. Components of the bill, such as the advanced paraeducator certificate, fundamental training, and subject matter certificates in special education and English language learner, give paraeducators the opportunity for advanced education. Linking certification requirements to state funding ensures that the legislation does not negatively impact paraeducators who cannot afford professional development or other certification requirements. There are twenty five thousand paraeducators in Washington, and this is a step in the right direction. Paraeducator professional standards and development are critically important. The inclusion on the paraeducator board of additional paraeducators who work in basic education, special education, and English language learner programs is an important addition to this bill, as those individuals are the most impacted. Paraeducators are an important part of the instruction team.

OTHER: This is an overall improvement over previous versions of this bill. There is concern that the implementation date may not give paraeducators who are already serving in schools, but do not meet the minimum employment requirements, enough time to meet new standards. The committee should consider adding a grandfather clause in terms of minimum employment requirements for existing paraeducators or give them more time to meet standards.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Steve Bergquist, Prime Sponsor; Anthony Murrietta, Business Agent, Teamsters Local 763; Cathy Smith; Lucinda Young, Washington Education Association; Doug Nelson, PSE/SEIU 1948.

OTHER: Alex Hur, SEIU 925.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A.

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A.