ENGROSSED SUBSTITUTE HOUSE BILL 1115

State of Washington 65th Legislature 2017 Regular Session

By House Education (originally sponsored by Representatives Bergquist, Muri, Ortiz-Self, Harris, Stanford, Stambaugh, Gregerson, and Kilduff)

READ FIRST TIME 02/13/17.

- 1 AN ACT Relating to paraeducators; amending RCW 28A.150.203,
- 2 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891;
- 3 adding a new section to chapter 28A.300 RCW; adding a new section to
- 4 chapter 28A.410 RCW; adding a new chapter to Title 28A RCW; repealing
- 5 RCW 28A.415.310; and providing expiration dates.
- 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 7 NEW SECTION. Sec. 1. INTENT. Paraeducators provide the majority
- 8 of instruction in programs designed by the legislature to reduce the
- 9 opportunity gap. By setting common statewide standards, requiring
- 10 training in the standards, and offering career development for
- 11 paraeducators, as well as training for teachers and principals who
- 12 work with paraeducators, students in these programs have a better
- 13 chance of succeeding.
- 14 NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this
- 15 section apply throughout this chapter unless the context clearly
- 16 requires otherwise.
- 17 (1) "Board" means the paraeducator board established in section 3
- 18 of this act.

p. 1 ESHB 1115

- 1 (2) "English language learner programs" means the English 2 language learners program, the transitional bilingual instruction 3 program, and the federal limited English proficiency program.
- 4 (3) "English language learner specialty certificate" means a 5 credential earned by a paraeducator working with students in English 6 language learner programs.

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- (4) "Paraeducator" means a classified public school or school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional and other services to students and their families. Paraeducators are not considered certificated instructional staff as that term and its meaning are used in this title.
- 13 (5) "Special education specialty certificate" means a credential 14 earned by a paraeducator working with students in special education 15 programs.
- NEW SECTION. Sec. 3. PARAEDUCATOR BOARD CREATED. (1)(a) The paraeducator board is created, consisting of nine members to be appointed to four-year terms.
- 19 (b) Vacancies on the board must be filled by appointment or 20 reappointment as described in subsection (2) of this section to terms 21 of four years.
- (c) No person may serve as a member of the board for more than two consecutive full four-year terms.
- (d) The governor must biennially appoint the chair of the board.

 No board member may serve as chair for more than four consecutive years.
- 27 (2) Appointments to the board must be made as follows, subject to 28 confirmation by the senate:
- 29 (a) The superintendent of public instruction shall appoint a 30 basic education paraeducator, a special education paraeducator, an 31 English language learner paraeducator, a teacher, a principal, and a 32 representative of the office of the superintendent of public 33 instruction;
- 34 (b) The Washington state parent teacher association shall appoint 35 a parent whose child receives instructional support from a 36 paraeducator;
- 37 (c) The state board for community and technical colleges shall 38 appoint a representative of the community and technical college 39 system; and

p. 2 ESHB 1115

1 (d) The student achievement council shall appoint a 2 representative of a four-year institution of higher education as 3 defined in RCW 28B.10.016.

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- (3) The professional educator standards board shall administer the board.
- (4) Each member of the board must be compensated in accordance with RCW 43.03.240 and must be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.
- 10 (5) Members of the board may create informal advisory groups as 11 needed to inform the board's work.
- 12 (6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for 13 14 incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of 15 16 state a statement of the causes for and the order of removal from the 17 board, and the secretary of state shall send a certified copy of the 18 statement of causes and order of removal to the last known post office address of the member. 19

NEW SECTION. Sec. 4. POWERS AND DUTIES OF PARAEDUCATOR BOARD. The paraeducator board has the following powers and duties:

- (1) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, adopt: (a) Minimum employment requirements for paraeducators, as described in section 5 of this act; and (b) paraeducator standards of practice, as described in section 6 of this act;
- (2) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for paraeducator specialty certificates in the following subject areas: English language learner and special education, as described in section 7 of this act;
- (3) 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;
- (4) Collaborate with the office of the superintendent of public instruction to adapt the electronic educator certification process to include paraeducator specialty certificates; and

p. 3 ESHB 1115

- 1 (5) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.
- NEW SECTION. Sec. 5. PARAEDUCATOR MINIMUM EMPLOYMENT REQUIREMENTS. Effective September 1, 2017, the minimum employment requirements for paraeducators are as provided in this section. The paraeducator must:
- 7 (1) Be at least eighteen years of age and hold a high school 8 diploma or its equivalent; and
- 9 (2)(a) Have received a passing grade on the education testing 10 service paraeducator assessment; or
 - (b) Hold an associate of arts degree; or

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- 12 (c) Have earned seventy-two quarter credits or forty-eight 13 semester credits at an institution of higher education; or
- 14 (d) Have completed a registered apprenticeship program.
- NEW SECTION. Sec. 6. PARAEDUCATOR STANDARDS OF PRACTICE. (1)
 The board shall adopt state standards of practice for paraeducators
 that are based on the recommendations of the paraeducator work group
 established in chapter 136, Laws of 2014. These standards must
 include:
- 20 (a) Supporting instructional opportunities;
 - (b) Demonstrating professionalism and ethical practices;
 - (c) Supporting a positive and safe learning environment;
- 23 (d) Communicating effectively and participating in the team 24 process; and
- (e) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.
 - (2)(a) Subject to the availability of amounts appropriated for this specific purpose, 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 under section 4 of this act, to paraeducators who have not completed the course, either in the district or in another district within the state. 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 deadlines provided in (b) of this subsection.

p. 4 ESHB 1115

- 1 (b) School districts must provide access to the course of study 2 required in (a) of this subsection as follows:
 - (i) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and
 - (ii) For paraeducators hired after September 1st:

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- 7 (A) For districts with ten thousand or more students, within four 8 months of the date of hire; and
- 9 (B) For districts with fewer than ten thousand students, no later 10 than September 1st of the following year.
- 11 (c) School districts may collaborate with other school districts 12 or educational service districts to meet the requirements of this 13 subsection (2).
- NEW SECTION. Sec. 7. PARAEDUCATOR SPECIALTY CERTIFICATES. (1)
 The board shall adopt requirements and policies for paraeducator
 specialty certificates in special education and English language
 learner programs that are based on the recommendations of the
 paraeducator work group established in chapter 136, Laws of 2014.
- 19 (2) The rules adopted by the board for paraeducator specialty 20 certificates must include the following requirements:
- 21 (a) A specialty certificate is not a prerequisite for a 22 paraeducator working in any program;
- 23 (b) Paraeducators may become eligible for a specialty certificate 24 by completing twenty hours of professional development in the subject 25 area of the certificate; and
- 26 (c) Specialty certificates expire after five years.
- NEW SECTION. Sec. 8. PILOTS. (1) By September 1, 2018, and subject to the availability of amounts appropriated for this specific purpose, the board shall distribute grants to a diverse set of school districts that volunteer to pilot the state paraeducator standards of practice and the paraeducator specialty certificates.
 - (2) By September 1, 2019, the volunteer districts must report to the board with the outcomes of the pilot and any recommendations for implementing the paraeducator standards of practice and paraeducator specialty certificates statewide. The outcomes reported must include:
- 36 (a) An analysis of the costs to the district to implement the 37 state standards of practice by making available the required course 38 of study;

p. 5 ESHB 1115

- 1 (b) The number of paraeducators who completed the course of study 2 in the state standards of practice;
 - (c) The number of paraeducators who earned a special education or English language learner specialty certificate;
 - (d) Any cost to the district and the paraeducator to earn a specialty certificate; and
- 7 (e) The impact on the size and assignment of the paraeducator workforce as a result of the pilot. 8
- (3) By November 1, 2019, and in compliance with RCW 43.01.036, the board shall submit a report to the appropriate committees of the 10 11 legislature that summarizes the outcomes of the pilots and recommends any statutory changes necessary to improve the statewide standards of 12 practice, paraeducator specialty certificate requirements, and 13 14 courses of study necessary to meet these standards and requirements, 15 among other things.
 - (4) This section expires July 1, 2020.

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- Sec. 9. STUDY ON EFFECTIVENESS OF PARAEDUCATORS. 17 NEW SECTION. (1) Subject to the availability of amounts appropriated for this 18 specific purpose, the Washington state institute for public policy 19 20 shall conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington state. The study must 21 examine variation in the use of paraeducators across public schools 22 and school districts and analyze whether and the extent that any 23 24 differences in students' academic progress can be attributed to the use of paraeducators. The office of the superintendent of public 25 instruction and the education data center shall provide the data 26 27 necessary to conduct the analysis. The study must also include a 28 review of the national research literature on the effectiveness of paraeducators in improving student outcomes. 29
- 30 (2) By December 15, 2017, and in compliance with RCW 43.01.036, the institute must submit a final report to the appropriate 31 committees of the legislature. 32
 - (3) This section expires July 1, 2020.
- 34 NEW SECTION. Sec. 10. A new section is added to chapter 28A.300 RCW to read as follows: 35
- ADMINISTRATOR PROFESSIONAL 36 TEACHER AND LEARNING. (1)The superintendent of public instruction, in consultation 37 with the paraeducator board created in section 3 of this act and the 38

p. 6 ESHB 1115

- professional educator standards board, shall design a training program for teachers and administrators as it relates to their role working with paraeducators. Teacher training must include how to direct a paraeducator working with students in the paraeducators' classroom. Administrator training must include how to supervise and evaluate paraeducators.
- 7 (2) Subject to the availability of amounts appropriated for this 8 specific purpose, the training program designed under subsection (1) 9 of this section must be made available to public schools, school 10 districts, and educational service districts.
- NEW SECTION. Sec. 11. A new section is added to chapter 28A.410 RCW to read as follows:
- 13 TEACHER AND ADMINISTRATOR PREPARATION. The professional educator 14 standards board, in consultation with the paraeducator board created 15 in section 3 of this act and the office of the superintendent of 16 public instruction, shall incorporate into the content required to 17 complete a professional educator standards board-approved teacher or 18 administrator preparation program the following:
- 19 (1) For teachers, information on how to direct a paraeducator 20 working with students in the paraeducators' classroom; and
- 21 (2) For administrators, information on how to supervise and 22 evaluate paraeducators.
- 23 **Sec. 12.** RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:
- 25 CLASSIFIED EMPLOYEE MEANS PARAEDUCATOR. The definitions in this 26 section apply throughout this chapter unless the context clearly 27 requires otherwise.
- 28 (1) "Basic education goal" means the student learning goals and 29 the student knowledge and skills described under RCW 28A.150.210.
- 30 (2) "Certificated administrative staff" means all those persons 31 who are chief executive officers, chief administrative officers, 32 confidential employees, supervisors, principals, or assistant 33 principals within the meaning of RCW 41.59.020(4).
- 34 (3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

p. 7 ESHB 1115

1 (4) "Certificated instructional staff" means those persons 2 employed by a school district who are nonsupervisory certificated 3 employees within the meaning of RCW 41.59.020(8), except for 4 paraeducators.

- (5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.
- (6) "Classified employee" means a person who <u>is employed as a paraeducator and a person who</u> does not hold a professional education certificate or is employed in a position that does not require such a certificate.
- (7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.
- (8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.
- (9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.
- (10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.
- (11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

p. 8 ESHB 1115

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of ((the)) directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 13. RCW 28A.410.062 and 2011 1st sp.s. c 23 s 1 are each amended to read as follows:

PARAEDUCATOR SPECIALTY CERTIFICATE FEES. (1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

- (2) In addition to the certification fee established under RCW 28A.410.060 for certificated instructional staff as defined in RCW 28A.150.203, the superintendent of public instruction shall charge an application processing fee for initial educator certificates and subsequent actions, and paraeducator specialty certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9) and the paraeducator specialty certificate program under section 7 of this act. Revenue generated through the processing fee shall be deposited in the educator certification processing account.
- (3) The educator certification processing account is established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator certificates

p. 9 ESHB 1115

- and subsequent actions <u>and paraeducator specialty certificates and</u>
 <u>subsequent actions</u>. Disbursements from the account shall be on
 authorization of the superintendent of public instruction or the
 superintendent's designee. The account is subject to the allotment
 procedure provided under chapter 43.88 RCW, but no appropriation is
 required for disbursements.
- **Sec. 14.** RCW 28A.630.400 and 2011 1st sp.s. c 11 s 132 are each 8 amended to read as follows:

- PARAEDUCATOR ASSOCIATE OF ARTS. (1) The professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.
- (2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.
- (3)(a) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.
- (b) Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the training program for a paraeducator associate of arts degree must incorporate the state paraeducator standards of practice adopted by the paraeducator board under section 6 of this act.
- 36 (4) Consideration shall be given to transferability of credit 37 earned in this program to teacher preparation programs at colleges 38 and universities.

p. 10 ESHB 1115

1 **Sec. 15.** RCW 28A.660.040 and 2010 c 235 s 504 are each amended 2 to read as follows:

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TEACHER ALTERNATIVE ROUTE PROGRAMS FOR PARAEDUCATORS. Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate has successfully completed the program.

- (1) Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with ((endorsements in special education, bilingual education, or English as a second language)) an endorsement in subject matter shortage areas, as defined by the professional educator standards board. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:
- (a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;
 - (b) Successful passage of the statewide basic skills exam; and
 - (c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.
 - (2) Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via videoconference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

p. 11 ESHB 1115

- 1 (a) District or building validation of qualifications, including 2 one year of successful student interaction and leadership as 3 classified staff;
- 4 (b) A baccalaureate degree from a regionally accredited 5 institution of higher education. The individual's college or 6 university grade point average may be considered as a selection 7 factor;
- 8 (c) Successful completion of the subject matter assessment 9 required by RCW 28A.410.220(3);
 - (d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
 - (e) Successful passage of the statewide basic skills exam.

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- (3) Alternative route programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts and approved preparation program providers shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:
- 25 (a) A baccalaureate degree from a regionally accredited 26 institution of higher education. The individual's grade point average 27 may be considered as a selection factor;
 - (b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);
- 30 (c) External validation of qualifications, including demonstrated 31 successful experience with students or children, such as reference 32 letters and letters of support from previous employers;
 - (d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
 - (e) Successful passage of statewide basic skills exam.
 - (4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer

p. 12 ESHB 1115

- teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a welltrained mentor. In addition, partnership programs shall uphold entry
- 6 (a) A baccalaureate degree from a regionally accredited 7 institution of higher education. The individual's grade point average 8 may be considered as a selection factor;

requirements for candidates that include:

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- 9 (b) Successful completion of the subject matter assessment 10 required by RCW 28A.410.220(3);
- 11 (c) External validation of qualifications, including demonstrated 12 successful experience with students or children, such as reference 13 letters and letters of support from previous employers;
- 14 (d) Meeting the age, good moral character, and personal fitness 15 requirements adopted by rule for teachers; and
 - (e) Successful passage of statewide basic skills exam.
- 17 (5) Applicants for alternative route programs who are eligible 18 veterans or national guard members and who meet the entry 19 requirements for the alternative route program for which application 20 is made shall be given preference in admission.
- 21 **Sec. 16.** RCW 28A.660.042 and 2007 c 396 s 6 are each amended to 22 read as follows:
- 23 PIPELINE FOR PARAEDUCATORS SCHOLARSHIP. (1) The pipeline for 24 paraeducators conditional scholarship is program Participation is limited to paraeducators without a college degree 25 26 who have at least three years of classroom experience. It 27 anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college 28 in two years or less and become eligible for ((a mathematics, special 29 30 education, or English as a second language endorsement)) 31 endorsement in a subject matter shortage area, as defined by the professional educator standards board, via route 32 one in the alternative routes to teacher certification program provided in this 33 34 chapter.
- 35 (2) Entry requirements for candidates include district or 36 building validation of qualifications, including three years of 37 successful student interaction and leadership as a classified 38 instructional employee.

p. 13 ESHB 1115

1 **Sec. 17.** RCW 28B.50.891 and 2014 c 136 s 4 are each amended to 2 read as follows:

PARAEDUCATOR APPRENTICESHIP AND CERTIFICATE. Beginning with the 3 2015-16 academic year, any community or technical college that offers 4 an apprenticeship program or certificate program for paraeducators 5 6 must provide candidates the opportunity to earn transferable course 7 credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education 8 and principles of language acquisition, developed by the professional 9 educator standards board under RCW 28A.410.270. Subject to the 10 availability of amounts appropriated for this specific purpose, by 11 September 1, 2018, the paraeducator apprenticeship and certificate 12 programs must also incorporate the state paraeducator standards of 13 practice adopted by the paraeducator board under section 6 of this 14 15 act.

- NEW SECTION. Sec. 18. Sections 1 through 9 of this act constitute a new chapter in Title 28A RCW.
- NEW SECTION. Sec. 19. RCW 28A.415.310 (Paraprofessional training program) and 1993 c 336 s 408 are each repealed.

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p. 14 ESHB 1115