

## WSR 21-24-033

## PROPOSED RULES

## PARAEDUCATOR BOARD

[Filed November 22, 2021, 12:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-17-097.

Title of Rule and Other Identifying Information: WAC 179-09-040  
Fundamental course of study, the proposed rule allows online synchronous learning to meet the in-person fundamental course of study requirement through September 1, 2022.

Hearing Location(s): On January 19, 2022, at 8:00 a.m., at Educational Service District 113, Olympia.

Date of Intended Adoption: January 19, 2022.

Submit Written Comments to: Paraeducator Board, 600 Washington Street S.E., Room 400, Olympia, WA 98504, email paraboard@k12.wa.us, by January 17, 2022.

Assistance for Persons with Disabilities: Contact professional educator standards board, phone 360-725-6275, email pesb@k12.wa.us, by January 17, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend WAC regarding the in-person training requirement. This amendment will allow school districts to train paraeducators on the fundamental course of study through online synchronous learning. This rule will remain in effect until September 1, 2022.

Reasons Supporting Proposal: COVID-19 continues making the in-person training requirement a severe challenge for school districts to meet. In addition, the health of students and educators must be in consideration. Allowing online synchronous learning to meet the in-person training requirement will permit districts to meet state mandated training.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

Statute Being Implemented: Chapter 28A.413 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [Information not supplied by agency], governmental.

Name of Agency Personnel Responsible for Drafting: Jack Busbee, 600 Washington Street S.E., Olympia, WA 98504, 360-867-8034.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. There is no cost to the state.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

November 22, 2021  
Jack Busbee  
Rules Coordinator

OTS-3268.1

AMENDATORY SECTION (Amending WSR 20-20-002, filed 9/23/20, effective 10/24/20)

**WAC 179-09-040 Fundamental course of study.** (1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) (a) School districts must provide a fundamental course of study on the state standards of practice, as defined by the board in WAC 179-09-050 of this chapter, to paraeducators who have not completed the course, either in the district or in another district within the state. At least one day of the fundamental course of study must be provided in person. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection (3) of this section.

(b) Beginning March 1, 2020, through September 1, ((2021)) 2022, virtual learning environments that use synchronous learning with an instructor will meet the one day in-person training requirement of the fundamental course of study.

(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection:

(a) (i) For paraeducators hired on or before September 1st, the first two days of the fundamental course of study must be provided by September 30th of that year and the second two days of the fundamental course of study must be provided within six months of the date of hire, regardless of the size of the district; and

(ii) For paraeducators hired after September 1st:

(A) For districts with ten thousand or more students, the first two days of the fundamental course of study must be provided within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and

(B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(b) (i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

(5) (a) Providers of the fundamental course of study must provide to the paraeducator written documentation of each unit completed by a paraeducator. The documentation is as published by the professional educator standards board.

(b) Upon request, if such request is made within seven calendar years of unit completion, the provider shall provide the paraeducator with documentation of unit completion.

(6) The fundamental course of study must include the training competencies that align with the standards of practice in chapter 179-07 WAC.

(7) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the fundamental course of study.

[Statutory Authority: Chapter 28A.413 RCW. WSR 20-20-002, § 179-09-040, filed 9/23/20, effective 10/24/20; WSR 19-21-070, § 179-09-040, filed 10/11/19, effective 11/11/19; WSR 18-16-106, § 179-09-040, filed 7/31/18, effective 8/31/18.]