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**SECOND SUBSTITUTE SENATE BILL 6408**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hill, McAuliffe, Litzow, Hobbs, Mullet, Benton, Rolfes, Frockt, and Conway)

AN ACT Relating to paraeducators; amending RCW 28A.630.400, 28A.150.203, 28A.410.062, and 28B.50.891; adding a new section to chapter 28A.410 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  Paraeducators provide the majority of instruction in programs designed by the legislature to reduce the opportunity gap. By setting common statewide standards, training, and career development for paraeducators, as well as training for teachers and principals who have paraeducators in their classroom, students in these programs have a better chance of succeeding in the classroom.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.410 RCW to read as follows:

(1) Effective September 1, 2016, the minimum employment standards for a paraeducator who works in the special education program, the basic education program, the learning assistance program, the federal disadvantaged program, and English language learner programs shall be as provided in this subsection. The paraeducator must:

(a) Be at least eighteen years of age, hold a high school diploma or its equivalent, and have received a passing grade on the education testing service paraeducator assessment; or

(b) Hold an associate of arts degree; or

(c) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

(d) Have completed a registered apprenticeship program.

(2)(a) By September 1, 2016, members of the paraeducator board must be appointed. The board shall be composed of one paraeducator, one teacher, one principal, one parent whose child receives instructional support from a paraeducator, one representative of a community or technical college, and one representative of a four-year institution of higher education as defined in RCW 28B.10.016.

(b) Appointments to the board shall be made as follows:

(i) The superintendent of public instruction shall appoint the paraeducator, the teacher, the office of the superintendent of public instruction representative, and the principal;

(ii) The Washington state parent teacher association shall appoint the parent whose child receives instructional support from a paraeducator;

(iii) The state board for community and technical colleges shall appoint the representative of a community or technical college; and

(iv) The student achievement council shall appoint the representative of an institution of higher education.

(c) A representative from the office of the superintendent of public instruction shall be the nonvoting facilitator of the board.

(d) The office of the superintendent of public instruction shall be the administrator of the board.

(3) Beginning September 1, 2016, the paraeducator board must administer policies and rules for the preparation and certification of paraeducators who work in special education, basic education, the learning assistance program, the federal disadvantaged program, or the English language learners program, the paraeducator career ladder, or the pathway to teacher certification.

(4)(a) During the 2017-18 school year, grants, as funded by the legislature, shall be distributed by the board to a diverse set of school districts that volunteer to field test the implementation of the paraeducator certification, special education, and English language learner endorsement.

(b) Effective September 1, 2018, all school districts must begin implementing the paraeducator certification for paraeducators working in the programs in special education, basic education, the learning assistance program, the federal disadvantaged program, or the English language learner program. Paraeducators have three years to acquire their certification.

(c) The certification standards shall be adopted by the board and must include:

(i) Supporting instructional opportunities;

(ii) Demonstrating professionalism and ethical practices;

(iii) Supporting a positive and safe learning environment;

(iv) Communicating effectively and participating in the team process; and

(v) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

(d) The board shall develop a practicum and must ensure that paraeducators have multiple methods to access training necessary to become certificated.

(e) The board has the authority to establish certification fees paid by paraeducators, however the board shall adapt the current teacher e-certification process to be used for paraeducator certification.

(f) The office of the superintendent of public instruction shall be provided the necessary funds to administer the board and the paraeducator certificates and endorsements.

(g) The board shall develop competency-based testing to allow paraeducators to use their prior experience or training to meet paraeducator standards.

(5) Beginning September 1, 2018, all paraeducators working in special education and English language learning programs have three years to acquire their endorsement.

(a) The board may adopt rules to implement the endorsement and training standards.

(b) The board shall ensure that training is made available to paraeducators in a variety of means that will limit cost and improve access.

(6) Paraeducators must renew their certificate or necessary endorsements every five years. In order to renew the certificate or endorsement, they must complete the clock hours determined by the board. The board may develop the training modules as well as ensure that the clock hour training is made available to paraeducators in a variety of means that will limit cost and improve access.

(7) The professional educator standards board must design and implement a training program for teachers and principals as it relates to their role working with paraeducators. Teacher training must include how to direct a paraeducator working with students in the paraeducator's classroom. Principal training must include how to supervise and evaluate paraeducators.

(8)(a) The board shall develop the rules for an advanced paraeducator endorsement, training modules, and renewal process that must be implemented by September 1, 2018.

(b) Some responsibilities of the advanced paraeducator position are mentoring or coaching other paraeducators, assisting in highly impacted classrooms, short-term teacher substitution, and assistance in specific specialized instruction support or technology applications.

(c) The rules must include provisions regarding the ability of a person holding an advanced paraeducator endorsement that will qualify the paraeducator to replace a teacher in short absence situations in those districts that are experiencing difficulty finding substitute teachers.

(9) The definitions in this subsection apply throughout this section.

(a) "Board" means the paraeducator board.

(b) "English language learner programs" or "English language learner endorsement" refers to the English language learners program, the transitional bilingual instruction program, and the federal limited English proficiency program.

(c) "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 as that meaning and term is used in this title.

(10) This section is subject to the availability of amounts specifically appropriated for this specific purpose.

**Sec.**  RCW 28A.630.400 and 2011 1st sp.s. c 11 s 132 are each amended to read as follows:

(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) If amounts are not appropriated specifically for the purpose of (b) of this subsection, 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, 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 adopted state standards for paraeducators, which include core knowledge and skill competencies in (i) supporting instructional opportunities, (ii) demonstrating professional and ethical practices, (iii) supporting a positive and safe learning environment, (iv) communicating effectively and participating in the team process, and (v) demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

**Sec.**  RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(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.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8), except for 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 either a person who is employed as a paraeducator or who 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.

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

(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 and paraeducator 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 certification program under section 2 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 and paraeducator certificates and subsequent actions. 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.**  RCW 28B.50.891 and 2014 c 136 s 4 are each amended to read as follows:

Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by the professional educator standards board under RCW 28A.410.270. Subject to the availability of amounts specifically appropriated for this specific purpose, the programs must also include core knowledge and skill competencies in: Supporting instructional opportunities, demonstrating professional and ethical practices, supporting a positive and safe learning environment, and communicating effectively and participating in the team process.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington state. The study shall examine variation in the use of paraeducators across schools and districts and analyze whether and the extent that any differences in students' academic progress can be attributed to the use of paraeducators. The office of the superintendent of public instruction and the education data center shall provide the data necessary to conduct the analysis. The study must also include a review of the national research literature on the effectiveness of paraeducators in improving student outcomes.

(2) The institute shall submit a final report to the relevant committees of the legislature by December 15, 2016.

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