
SECOND SUBSTITUTE SENATE BILL 6408

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)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to paraeducators; amending RCW 28A.630.400,
2 28A.150.203, 28A.410.062, and 28B.50.891; adding a new section to
3 chapter 28A.410 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** Paraeducators provide the majority of
6 instruction in programs designed by the legislature to reduce the
7 opportunity gap. By setting common statewide standards, training, and
8 career development for paraeducators, as well as training for
9 teachers and principals who have paraeducators in their classroom,
10 students in these programs have a better chance of succeeding in the
11 classroom.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.410
13 RCW to read as follows:

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

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

4 (b) Hold an associate of arts degree; or

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

7 (d) Have completed a registered apprenticeship program.

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) Supporting instructional opportunities;
10 (ii) Demonstrating professionalism and ethical practices;
11 (iii) Supporting a positive and safe learning environment;
12 (iv) Communicating effectively and participating in the team
13 process; and

14 (v) Demonstrating cultural competency aligned with standards
15 developed by the professional educator standards board under RCW
16 28A.410.270.

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

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

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

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

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

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

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

38 (6) Paraeducators must renew their certificate or necessary
39 endorsements every five years. In order to renew the certificate or
40 endorsement, they must complete the clock hours determined by the

1 board. The board may develop the training modules as well as ensure
2 that the clock hour training is made available to paraeducators in a
3 variety of means that will limit cost and improve access.

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

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

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

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

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

25 (a) "Board" means the paraeducator board.

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

30 (c) "Paraeducator" means a classified school district employee
31 who works under the supervision of a certificated or licensed staff
32 member to support and assist in providing instructional services to
33 students and their families. Paraeducators are not considered
34 certificated instructional staff as that meaning and term is used in
35 this title.

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

38 **Sec. 3.** RCW 28A.630.400 and 2011 1st sp.s. c 11 s 132 are each
39 amended to read as follows:

1 (1) The professional educator standards board and the state board
2 for community and technical colleges, in consultation with the
3 superintendent of public instruction, the state apprenticeship
4 training council, and community colleges, shall adopt rules as
5 necessary under chapter 34.05 RCW to implement the paraeducator
6 associate of arts degree.

7 (2) As used in this section, a "paraeducator" is an individual
8 who has completed an associate of arts degree for a paraeducator. The
9 paraeducator may be hired by a school district to assist certificated
10 instructional staff in the direct instruction of children in small
11 and large groups, individualized instruction, testing of children,
12 recordkeeping, and preparation of materials. The paraeducator shall
13 work under the direction of instructional certificated staff.

14 (3)(a) If amounts are not appropriated specifically for the
15 purpose of (b) of this subsection, the training program for a
16 paraeducator associate of arts degree shall include, but is not
17 limited to, the general requirements for receipt of an associate of
18 arts degree and training in the areas of introduction to childhood
19 education, orientation to children with disabilities, fundamentals of
20 childhood education, creative activities for children, instructional
21 materials for children, fine art experiences for children, the
22 psychology of learning, introduction to education, child health and
23 safety, child development and guidance, first aid, and a practicum in
24 a school setting.

25 (b) Subject to the availability of amounts appropriated for this
26 specific purpose, the training program for a paraeducator associate
27 of arts degree shall include, but is not limited to, the general
28 requirements for receipt of an associate of arts degree and training
29 in the adopted state standards for paraeducators, which include core
30 knowledge and skill competencies in (i) supporting instructional
31 opportunities, (ii) demonstrating professional and ethical practices,
32 (iii) supporting a positive and safe learning environment, (iv)
33 communicating effectively and participating in the team process, and
34 (v) demonstrating cultural competency aligned with standards
35 developed by the professional educator standards board under RCW
36 28A.410.270.

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

1 **Sec. 4.** RCW 28A.150.203 and 2009 c 548 s 102 are each amended to
2 read as follows:

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

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

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

11 (3) "Certificated employee" as used in this chapter and RCW
12 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
13 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
14 persons who hold certificates as authorized by rule of the Washington
15 professional educator standards board.

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

20 (5) "Class size" means an instructional grouping of students
21 where, on average, the ratio of students to teacher is the number
22 specified.

23 (6) "Classified employee" means either a person who is employed
24 as a paraeducator or who does not hold a professional education
25 certificate or is employed in a position that does not require such a
26 certificate.

27 (7) "Classroom teacher" means a person who holds a professional
28 education certificate and is employed in a position for which such
29 certificate is required whose primary duty is the daily educational
30 instruction of students. In exceptional cases, people of unusual
31 competence but without certification may teach students so long as a
32 certificated person exercises general supervision, but the hiring of
33 such classified employees shall not occur during a labor dispute, and
34 such classified employees shall not be hired to replace certificated
35 employees during a labor dispute.

36 (8) "Instructional program of basic education" means the minimum
37 program required to be provided by school districts and includes
38 instructional hour requirements and other components under RCW
39 28A.150.220.

1 (9) "Program of basic education" means the overall program under
2 RCW 28A.150.200 and deemed by the legislature to comply with the
3 requirements of Article IX, section 1 of the state Constitution.

4 (10) "School day" means each day of the school year on which
5 pupils enrolled in the common schools of a school district are
6 engaged in academic and career and technical instruction planned by
7 and under the direction of the school.

8 (11) "School year" includes the minimum number of school days
9 required under RCW 28A.150.220 and begins on the first day of
10 September and ends with the last day of August, except that any
11 school district may elect to commence the annual school term in the
12 month of August of any calendar year and in such case the operation
13 of a school district for such period in August shall be credited by
14 the superintendent of public instruction to the succeeding school
15 year for the purpose of the allocation and distribution of state
16 funds for the support of such school district.

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

25 **Sec. 5.** RCW 28A.410.062 and 2011 1st sp.s. c 23 s 1 are each
26 amended to read as follows:

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

38 (2) In addition to the certification fee established under RCW
39 28A.410.060 for certificated instructional staff as defined in RCW

1 28A.150.203, the superintendent of public instruction shall charge an
2 application processing fee for initial educator and paraeducator
3 certificates and subsequent actions. The superintendent of public
4 instruction shall establish the amount of the fee by rule under
5 chapter 34.05 RCW. The superintendent shall set the fee at a
6 sufficient level to defray the costs of administering the educator
7 certification program under RCW 28A.300.040(9) and the paraeducator
8 certification program under section 2 of this act. Revenue generated
9 through the processing fee shall be deposited in the educator
10 certification processing account.

11 (3) The educator certification processing account is established
12 in the custody of the state treasurer. The superintendent of public
13 instruction shall deposit in the account all moneys received from the
14 fees collected in subsection (2) of this section. Moneys in the
15 account may be spent only for the processing of educator and
16 paraeducator certificates and subsequent actions. Disbursements from
17 the account shall be on authorization of the superintendent of public
18 instruction or the superintendent's designee. The account is subject
19 to the allotment procedure provided under chapter 43.88 RCW, but no
20 appropriation is required for disbursements.

21 **Sec. 6.** RCW 28B.50.891 and 2014 c 136 s 4 are each amended to
22 read as follows:

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

37 NEW SECTION. **Sec. 7.** (1) Subject to the availability of amounts
38 appropriated for this specific purpose, the Washington state

1 institute for public policy shall conduct a study on the
2 effectiveness of paraeducators in improving student outcomes in
3 Washington state. The study shall examine variation in the use of
4 paraeducators across schools and districts and analyze whether and
5 the extent that any differences in students' academic progress can be
6 attributed to the use of paraeducators. The office of the
7 superintendent of public instruction and the education data center
8 shall provide the data necessary to conduct the analysis. The study
9 must also include a review of the national research literature on the
10 effectiveness of paraeducators in improving student outcomes.

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

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