

FINAL BILL REPORT

ESHB 1115

PARTIAL VETO C 237 L 17 Synopsis as Enacted

Brief Description: Concerning paraeducators.

Sponsors: House Committee on Education (originally sponsored by Representatives Bergquist, Muri, Ortiz-Self, Harris, Stanford, Stambaugh, Gregerson and Kilduff).

House Committee on Education
House Committee on Appropriations
Senate Committee on Early Learning & K-12 Education
Senate Committee on Ways & Means

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 translator. The federal Every Student Succeeds Act, enacted in December 2015, directs the Office of the Superintendent of Public Instruction (OSPI) to develop minimum state standards that must be met by paraeducators who work in Title I, part A programs, which provide financial assistance to schools and school districts with high numbers of children from low-income families. Until the new standards are developed, the OSPI will continue to apply the federal paraeducator requirements used under the prior federal law.

Prior federal law required paraeducators to have a high school diploma or equivalent, and complete one of the following tasks:

- complete two years of study at an institution of higher education;
- earn an associate degree or higher;
- pass an assessment that measures skills and content knowledge related to reading, writing, and math; or
- complete a Washington paraeducator portfolio or apprenticeship program.

School districts may require more education or higher credentials than are required by state or federal laws.

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.

Community and technical colleges (CTCs) may offer paraeducator degree programs, apprenticeship programs, or certificate programs.

Paraeducator Standards Work Group. In 2014 the Legislature directed the Professional Educator Standards Board (PESB) to convene the Paraeducator Standards Work Group (Para Work Group) 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 Para Work Group submitted its first report to the Legislature on January 7, 2015, and recommended 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, 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 certified employees that focuses on maximizing the success of paraeducators in the classroom.

On January 10, 2016, the Para Work Group submitted its final report to the Legislature, additionally recommending the following:

- foundational employment standards for basic education paraeducators, and specialized standards for paraeducators who work in ELL and special education programs;
- a standard definition of paraeducator;
- a permanent paraeducator advisory board under the 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 certified employees that focuses on effective planning, collaboration, and supervision of paraeducators.

Scholarships for Paraeducators to Become Teachers. The pipeline for paraeducators conditional scholarship (paraeducator 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 through the alternative route to teacher certification (alternative route) program.

The alternative route program is 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 (ESD), work in partnership with teacher preparation programs to offer shortened, field-based preparation programs with a mentored internship. An alternative route conditional scholarship is available to individuals enrolled in an approved alternative route program and who continue to make satisfactory progress toward completion of the program and receipt of a Washington teaching certificate.

E-Certification. Educators can apply or renew a Washington teaching certificate online through the 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 the 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:

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. The PESB must administer the board. Members of the board may create informal advisory groups as needed to inform the board's work.

The board has the following powers and duties:

- adopt minimum employment requirements for paraeducators and paraeducator standards of practice;
- establish requirements and policies for general and advanced paraeducator certificates;

- establish requirements and policies for paraeducator subject matter certificates in ELL and special education;
- by September 1, 2018, approve, and develop if necessary, courses required to meet paraeducator certificate requirements, 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;
- collaborate with the OSPI to adapt the E-Certification process to include paraeducator certificates; and
- adopt rules for the effective and efficient implementation of this chapter.

The rules, requirements, and policies adopted by the board must be based on the recommendation of the Para Work Group.

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:

- the Superintendent of Public Instruction (SPI) must appoint a basic education paraeducator, a special education paraeducator, an ELL paraeducator, a teacher, a principal, and a representative of the OSPI;
- 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 CTC system; and
- the 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.

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 the 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 to paraeducators who have not completed the course. Districts may collaborate with other school districts or ESDs to meet this requirement.

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 specified deadlines.

General Paraeducator Certificate. Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study and an additional 10 days of general courses on the state paraeducator standards of practice. The general certificate does not expire.

Subject to funding by the Legislature, beginning September 1, 2019, school districts must:

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

Paraeducators are not required to meet general paraeducator certification requirements unless funding is provided for the fundamental and general courses.

Subject Matter Certificates. A special education certificate means a credential earned by a paraeducator working with students in special education programs. A ELL certificate means a credential earned by a paraeducator working with students in ELL programs (ELL program, transitional bilingual instruction program, and federal limited English proficiency program).

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.

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 an advanced paraeducator certificate 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, the paraeducator certificates, and the courses necessary to meet paraeducator certification requirements.

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 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 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 necessary to meet these standards and requirements, among other things.

Duties of the Superintendent of Public Instruction. The SPI must act as the administrator of any rules adopted by the board. The SPI has the power to issue paraeducator certificates and revoke them in accordance with board rules.

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

Teacher and Administrator Preparation and Professional Learning. The SPI, the PESB, and the board must work together to incorporate into educator preparation program content, and design a training program for teachers and administrators, that includes: 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, districts, and ESDs.

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

Scholarships for Paraeducators to Become Teachers. The paraeducator scholarship and alternative route programs are expanded to applicants seeking teacher certification with endorsements in subject matter shortage areas, as defined by the PESB.

Study on the Effectiveness of Paraeducators. Subject to funding by the Legislature, the WSIPP must conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington and nationally. The study must examine variation in the use of paraeducators across public schools and districts, and analyze whether any differences in academic progress can be attributed to the use of paraeducators. The OSPI and the Education Research and Data Center must provide the data necessary to conduct the analysis. The WSIPP must submit a final report to the Legislature by December 15, 2017.

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

Votes on Final Passage:

House	93	5	
Senate	49	0	(Senate amended)
House	94	1	(House concurred)

Effective: July 23, 2017

Partial Veto Summary: The Governor vetoed the section that expanded the alternative route programs to applicants seeking teacher certification with endorsements in subject matter shortage areas, as defined by the PESB.