

SENATE BILL REPORT

SB 5070

As Passed Senate, March 8, 2017

Title: An act relating to paraeducators.

Brief Description: Concerning paraeducators.

Sponsors: Senators Rivers, Mullet, Braun, Hobbs and Rolfes.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/19/17, 2/02/17 [DP-WM].
Ways & Means: 2/14/17, 2/23/17 [DP, DNP].

Floor Activity:

Passed Senate: 3/08/17, 37-12.

Brief Summary of Bill

- Adopts statewide minimum employee standards for paraeducators.
- Establishes a paraeducator advisory board to administer policies and rules for paraeducator preparation and certification.
- Provides for volunteer school districts to field test new paraeducator programs.
- Requires school districts to begin implementing the paraeducator certification and professional development standards by September 1, 2019.
- Requires the professional educator standards board to design and implement a training program for teachers and principals as it relates to their role working with paraeducators.
- Requires the development of an advanced paraeducator endorsement, training modules, and renewal process by September 1, 2019.
- Adds new standards to the paraeducator associate of arts degree and community and technical college apprenticeship program requirements.
- Requires a study on the effectiveness of paraeducators in improving student outcomes.

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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig, Mullet and Rivers.

Staff: Alia Kennedy (786-7405)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Fain, Keiser, Miloscia, Padden, Pedersen, Rivers, Schoesler, Warnick and Zeiger.

Minority Report: Do not pass.

Signed by Senator Hasegawa.

Staff: Jeffrey Mitchell (786-7438)

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 translators. In Washington, there are no educational qualifications or licensure requirements for paraeducators. However, special education paraeducators must have the skills and knowledge necessary to meet the needs of students eligible for special education, and work under the supervision of a certificated teacher with a special education endorsement or a certificated educational staff associate. In addition, the Office of the Superintendent of Public Instruction (OSPI) has developed recommended core competencies and guidelines for paraeducators who work in education and related service programs for students with disabilities.

Paraeducator Work Group. In 2014, the Legislature directed the Professional Educator Standards Board (PESB) to convene a 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 workgroup submitted its first report to the Legislature in December 2014, recommending 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 (LAP), 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 certificated employees that focuses on maximizing the success of paraeducators in the classroom.

On January 10, 2016, the group submitted its final report to the Legislature, additionally recommending:

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

Educators can apply or renew a Washington teaching certificate online through OSPI's e-certification application. E-Certification provides application services for state teachers, administrators, educational staff associates, and career technicians.

Summary of Bill: Minimum Employment Standards for Paraeducators. Effective September 1, 2017, the minimum employment standards for paraeducators working in a special education program, basic education program, LAP, federal disadvantaged program, and ELL program require that the paraeducator:

- be at least age 18, hold a high school diploma or equivalent, and 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.

Paraeducator Board Established. By September 1, 2017, a paraeducator board (Board) must be established to administer policies and rules for the preparation and certification of paraeducators who work in special education, basic education, LAP, the federal disadvantaged program, an ELL program, the paraeducator career ladder, or the pathway to teacher certification.

The Board must be composed of a paraeducator, a teacher, a principal, one parent whose child receives instructional support from a paraeducator, a representative of the community

and technical colleges, a representative of the institutions of higher education, and a nonvoting facilitator. OSPI must be the administrator of the Board.

Paraeducator Certification. Subject to funding appropriated by the Legislature, the Board must distribute grants in the 2018-19 school years to districts that volunteer to field test the implementation of paraeducator certification, special education, and the ELL endorsement for paraeducators. Beginning September 1, 2019, all school districts must start implementation of paraeducator certification for paraeducators working in special education, basis education, LAP, the federal disadvantaged program, or the ELL program. Paraeducators have three years to acquire certification.

The Board must adopt certification standards, including supporting instructional opportunities, demonstrating professionalism and ethical practices, supporting a safe and positive learning environment, communicating effectively and participating in the team process, and demonstrating cultural competence aligned with the standards developed by PESB.

The Board must also develop a training practicum and ensure that paraeducators have multiple methods to access certification training. The Board may establish the paraeducator certification fees. However, the Board must adapt the current teacher e-certification process to be used for the paraeducator certification. OSPI must provide the Board with funds necessary to administer the Board, and the paraeducator certificates and endorsements.

English Language Learning Program Paraeducator Endorsement. Beginning September 1, 2019, paraeducators working in special education and ELL programs must obtain an ELL Paraeducator Endorsement within three years. The Board may adopt rules to implement the endorsement and training standards, and must ensure that training is made available to paraeducators by multiple means.

Advanced Paraeducator Endorsement. The Board must develop rules for an Advanced Paraeducator Endorsement, training modules, and a renewal process. The rules must include provisions that allow advanced paraeducator endorsement-holders to replace a teacher for a short time in districts that experience difficulty finding substitute teachers. The responsibilities of an advanced paraeducator are specified as mentoring or coaching other paraeducators, assisting in highly impacted classrooms, providing short-term substitution, and assisting in specific specialized instructional support and technology applications.

Paraeducator Endorsement and Certification Renewal. Paraeducators must renew their certificate or necessary endorsements every five years by completing the clock hours determined by the Board. The Board may develop training modules and ensure that clock hour training is available by multiple means.

Teacher and Principal Training. PESB must design and implement a training program for teachers and principals on how to direct a paraeducator working with students, and how to supervise and evaluate paraeducators.

Paraeducator Certificate or Degree Requirements. Paraeducator Associate of Arts degree, certificate, and apprenticeship programs must include training in the paraeducator certification standards adopted by the Board.

Study on the Effectiveness of Paraeducators. The Washington State Institute for Public Policy (WSIPP) must conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington, and nationally. The study must examine variations in the use of paraeducators across schools and districts, and analyze whether any differences in academic progress can be attributed to the use of paraeducators.

OSPI and the Education Data Center must provide the data necessary to conduct the analysis. WSIPP must submit a final report to the relevant committees of the Legislature by December 15, 2017.

Appropriation: None.

Fiscal Note: Available. OFM requested ten-year cost projection pursuant to I-960.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Early Learning & K-12 Education): PRO: Paraeducators are an invaluable resource. This bill may help refill the teacher pipeline by making it easier for paraeducators to become certificated teachers. Students are suffering. Paraeducators work with the most vulnerable children. Paraeducators are not always aware of the specific needs of the children they are working with. Every student should have access to a high quality instructor that can lead to a high quality secondary education. The paraeducator advisory board four-year representative should be selected by the Council of Presidents or a four-year institution, rather than the Student Achievement Council. Paraeducators help the highest needs students learn, thrive, and grow like any other student. The state is not providing the support or training that paraeducators deserve. This bill allows paraeducators to gain the professional standing they deserve. Professional standards are critical to school districts taking paraeducators seriously as a member of the education team. It is a disadvantage to allow a population with little to no training support disadvantaged students. Paraeducators have no career path or advancement opportunities. Paraeducators are undervalued. On the job training is not sufficient. Paraeducators need for school districts and the state to provide financial assistance to meet standards. Paraeducator wages are low and most work less than six hours a day and yet they are asked to take on more and more responsibilities that require additional skills, training, and experience. With no statewide system, training requirements and qualifications vary among school districts. Professional standards can open the door to career advancement and higher wages for paraeducators.

CON: Paraeducators are a critical piece to the success of students. Paraeducators are underpaid and work low hours. The state has not been able to fund or provide a professional development system for paraeducators and it is difficult and costly for them to do this on their own. There should be three paraeducators on the paraeducator advisory board: basic education, special education, and ELL. The licensure requirement is concerning if there is no

state funded professional development system. Paraeducators may lose their jobs. The state should provide for three to four days of mandatory professional development.

OTHER: Against the licensure requirement. Strongly in support of the goals and intents of the bill. A professional license requires expense, time, and energy that may cause the state to lose a fair amount of the paraeducator workforce. The standards should be high quality and program specific.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Ann Rivers, Prime Sponsor; Beth Sigall, Washington State Parent Teacher Association; Ramona Hattendorf, Director of Advocacy, The Arc of King County; Paul Francis, Council of Presidents; Doug Nelson, Public School Employees; Patrick Mulick, Auburn School District; Susan Olson, Deer Park School District.

CON: Lucinda Young, Washington Education Association.

OTHER: David Brenna, Professional Educator Standards Board.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Paraeducators work in the opportunity gap programs to the tune of 62 percent of hours of instruction. School districts last year eliminated 200,000 hours of teacher time and added 930,000 of paraeducator time. Right now, these paraeducators have no standards and no training. The state is spending \$1.7 billion on these opportunity gap programs and should take the role of paraeducators seriously. If you want to fix the shortage, high quality, highly trained paraeducators are one answer.

CON: Our paraeducators want a high quality, funded professional development system that meets the standards outlined in the bill. The coursework needs to be accessible across the state. The state should fund school districts for the time that paraeducators take the courses. Paraeducators don't want a certification system. Paraeducators are worried that they won't be able to afford the training.

Persons Testifying (Ways & Means): PRO: Doug Nelson, PSE/SEIU 1948.

CON: Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.