

HOUSE BILL REPORT

2SSB 6408

As Reported by House Committee On:
Education
Appropriations

Title: An act relating to paraeducators.

Brief Description: Concerning paraeducators.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hill, McAuliffe, Litzow, Hobbs, Mullet, Benton, Rolfes, Frockt and Conway).

Brief History:

Committee Activity:

Education: 2/22/16, 2/23/16, 2/25/16 [DPA];

Appropriations: 2/27/16, 2/29/16 [DPA(APP w/o ED)].

**Brief Summary of Second Substitute Bill
(As Amended by Committee)**

- Requires adoption of performance standards for paraeducator professional development and credentialing.
- Establishes, subject to a specific appropriation, a Paraeducator Advisory Board (Advisory Board) to provide guidance and leadership for the implementation of the paraeducator performance standards.
- Requires, subject to a specific appropriation, volunteer school districts to pilot for two years, and report on, the implementation of professional development programs for paraeducators, teachers, and principals.
- Requires, subject to a specific appropriation, the Advisory Board to submit a report to the Legislature describing a timeline and any barriers to statewide implementation of the paraeducator performance standards, the outcomes of the pilot, and the effects of requiring paraeducators to obtain a paraeducator certificate.
- Requires, subject to a specific appropriation, the design of a uniform and externally administered professional-level certification assessment for paraeducators.

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.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Griffey, Hargrove, Hayes, Kilduff, Kuderer, McCaslin, Orwall, Pollet, Rossetti and Springer.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert.

Minority Report: Without recommendation. Signed by 1 member: Representative Harris.

Staff: Megan Wargacki (786-7194).

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. In Washington, there are no educational qualifications or licensure requirements for paraeducators, except for paraeducators working in special education programs.

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 special education and related service programs for students with disabilities.

There are traditional and apprenticeship training programs for paraeducators at community and technical colleges (CTCs) that lead to paraeducator certificates and Associate of Arts degrees.

Paraeducator Standards Work Group.

In 2014 the Legislature directed the Professional Educator Standards Board (PESB) to convene the Paraeducator Standards Work Group (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 Work Group 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, 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 Work 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 of paraeducator;
- a permanent Paraeducator Advisory Board (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 certificated employees that focuses on effective planning, collaboration, and supervision of paraeducators.

Summary of Amended Bill:

Definition.

"Paraeducator" means a classified employee who works under the supervision of a certificated employee to support and assist in providing instructional and other services to children and youth and their families. The certificated employee remains responsible for the overall conduct and management of the classroom or program including the design, implementation, and evaluation of the instructional programs and student progress.

Paraeducator Performance Standards.

By September 1, 2016, the OSPI must adopt performance standards for paraeducator professional development and credentialing as described below. The purpose of the standards is to address the knowledge and skills competencies a paraeducator needs to possess and exhibit in order to meet the varied needs of the students served. The adopted standards must be based on the recommendations of the Work Group.

The adopted performance standards for paraeducator professional development and credentialing must clearly define the knowledge and skills competencies necessary for a paraeducator to, at a minimum:

- support educational outcomes;

- demonstrate professionalism and ethical practices;
- support a positive and safe learning environment; and
- communicate effectively and participate in the team process.

Paraeducator Advisory Board.

Subject to a specific appropriation, the OSPI must establish a Advisory Board with eleven members as follows:

- a paraeducator, a teacher, a principal, a parent, an administrator, a human resources director, a union representative, a representative of a community-based organization, and a representative of the OSPI, each appointed by the Superintendent of Public Instruction;
- a representative of the CTC system appointed by the State Board for Community and Technical Colleges (SBCTC); and
- a representative of the PESB, appointed by the PESB.

The purpose of the Advisory Board is to provide guidance and leadership for the implementation of statewide performance standards for the paraeducator professional development and credentialing described above.

Subject to a specific appropriation, the Advisory Board must:

- develop a curriculum and design a professional development program for paraeducators that meets the paraeducator performance standards in time for school districts to begin piloting the program in the 2017-18 school year;
- develop a curriculum and design a professional development program for teachers and principals that focuses on working with paraeducators in time for school districts to begin piloting the program in the 2017-18 school year;
- oversee and monitor the implementation of the professional development programs described above in school districts that volunteer to pilot these programs;
- make recommendations to the Legislature regarding statewide implementation of the professional development programs; and
- collaborate with the SBCTC on aligning the credentials offered by the CTC system with the paraeducator performance standards.

School District Pilots.

Subject to a specific appropriation, the OSPI must select a diverse set of willing school districts to pilot the implementation of the professional development programs described above during the 2017-18 and 2018-19 school years. By October 31, 2018, the school districts must report to the Advisory Board and the PESB with the outcomes of year one of the pilot and any recommendations for implementation of the professional development programs statewide. The outcomes reported must include: an analysis of the costs to the district to implement the paraeducator performance standards, including professional development costs, any costs to paraeducators to meet the standards, and the impact on the size and assignment of the paraeducators in the district as a result of the pilot.

Subject to a specific appropriation, by December 15, 2018, the Advisory Board must submit a report to the Legislature that includes: the outcomes of the pilot; barriers to statewide implementation of the paraeducator performance standards, including estimated costs of statewide implementation to the state and to districts; recommended changes to state statutes

necessary to implement the standards statewide; recommendations on a timeline for statewide implementation of the paraeducator performance standards; the effects of requiring paraeducators to obtain a paraeducator certificate; and any other recommendations or concerns developed by the Advisory Board.

Professional Paraeducator Certification System.

Subject to a specific appropriation, the PESB must design a uniform and externally administered professional-level certification assessment for paraeducators based on the paraeducator performance standards described above.

Subject to a specific appropriation, by December 15, 2018, the PESB must submit a report to the Legislature that summarizes its work in the development of the paraeducator certification assessment and makes recommendations for statewide implementation.

Amended Bill Compared to Second Substitute Bill:

To the definition of paraeducator is added that the certificated employee remains responsible for the overall conduct and management of the classroom or program including the design, implementation, and evaluation of the instructional programs and student progress.

The requirements for minimum paraeducator employment standards are removed. The OSPI must adopt paraeducator performance standards, which are the same as the certification standards described in the second substitute bill.

It is specified that the board established by the OSPI is an Advisory Board, whose purpose is provide guidance and leadership for the implementation of statewide performance standards for paraeducator professional development and credentialing, rather than to administer policies and rules for the preparation and certification of paraeducators. The Advisory Board must collaborate with the SBCTC on aligning the credentials offered by the CTC system with the paraeducator performance standards, rather than the CTCs being required to include training in the adopted paraeducator certification standards. The Advisory Board, rather than the PESB must develop a program for teachers and principals that focuses on working with paraeducators.

The volunteer school districts must pilot the implementation of the performance standards, rather than the implementation of the certification and endorsements. The pilot must be for two years, rather than one year. In addition, the pilot districts must report back to the Advisory Board and the PESB after the first year.

All provisions establishing a paraeducator certificate and endorsements, and requiring a study on paraeducator effectiveness are removed.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 25, 2016.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many school staff are trained and have licenses. There are trainings and certifications required for food handlers in school kitchens. Teachers must have a certification, training and endorsements for working in special education programs. Paraeducators need training to work in special education too. Paraeducators want the standards and the trainings described in this bill. The paraeducators are willing to learn new skills to enhance their potential so that they can help students meet their potential. Trainings are very important.

Parents and teachers support this bill. Paraeducators make a tremendous difference in the lives of children. However, the state is not recognizing them as a profession, though. It is not recognizing the work paraeducators do. It is not providing them with a career path and additional training. Many paraeducators want to do their jobs and want the tools and skills necessary to do it well. The bill honors the professionalism of the paraeducators as part of the educational team. Some people really like that the bill creates training modules to train teachers and principals on how to work with paraeducators.

There are 98 people who helped develop the Work Group report recommendations that went into creating this bill. All of them are in consensus and supportive of the recommendations. People are pleased to see that the Work Group recommendations have been incorporated into the bill.

(Opposed) The overview of the Work Group recommendations is supported by many. This report consistently recommends funding to support the recommendations. Paraeducators are necessary for the implementation of individualized educational programs and to keep students safe. However, some paraeducators are concerned that when certification is required, paraeducators who make low wages will not be able to find professional development that is accessible and affordable. If there are more demands put on the school districts, paraeducators will be lost. If full funding is not provided, this bill would do more harm than good.

Many educators support the paraeducator standards and professional development, which is necessary for the standards to be achieved. Many also support requiring school districts to make professional development available if the courses are created and funding is provided. Many educators oppose requiring paraeducators to gain certification in order to keep their jobs. A statewide professional development system does not exist, although some districts provide limited professional development opportunities. Paraeducators are highly concerned about certification requirements going into effect even if a professional development system that is accessible and affordable for school districts and paraeducators is not put in place.

The state should fund the creation of a system that addresses the standards. School districts can pilot the system and inform the Legislature as to its costs, accessibility, and any

improvements needed. At that time, the state can fund and make a certain number of professional development hours available to paraeducators each year.

There are many good recommendations in the Work Group report. The state needs a well-funded system of professional development for paraeducators. The bill language seems to require achieving the standards prior to employment, akin to teacher certification. It is important to start with the professional development, then after it is tested, move to conversations around paraeducator certification.

Persons Testifying: (In support) Reen Doser and Doug Nelson, Public School Employees of Washington; Beth Sigall, Washington State PTSA; and Susan Strums, Washington State Special Education Coalition.

(Opposed) Cathy Smith and Julie Salvi, Washington Education Association; and Anthony Murrietta, Teamsters 763.

Persons Signed In To Testify But Not Testifying: Alex Hur, Service Employees International Union; Jessica Vavrus, Washington State School Directors' Association; Lucinda Young, Washington Education Association; David Brenna, Professional Educator Standards Board; and Jene Jones, League of Education Voters.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education. Signed by 23 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody, Fitzgibbon, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Pettigrew, Robinson, Sawyer, Senn, Springer, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 7 members: Representatives Chandler, Ranking Minority Member; Condotta, Dent, Harris, Magendanz, Schmick and Taylor.

Minority Report: Without recommendation. Signed by 3 members: Representatives Buys, Manweller and Stokesbary.

Staff: Jessica Harrell (786-7349).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

A null and void clause is added. If specific funding for the bill is not provided in the omnibus appropriations act, the bill is null and void.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This legislation will help direct the use of the paraeducator professional development funding that is provided in the House budget in an effective manner. There has never been a professional development program for the paraeducator system that was ongoing. This legislation will create that program, pilot it, and then provide direct feedback to the Legislature so that the program can be successful in the future. This legislation will also provide training for principals and teachers so they better understand the vital role that paraeducators play in the team. Money will be saved in the future because paraeducators will have the knowledge and tools to help their students succeed. Paraeducators spend their entire day just with students. The one area of concern is in section 4 which does not mandate the assessment. Additionally, it's not clear that the high cost assessments, as outlined in the fiscal note, was the intent of the sponsors.

(Opposed) None.

(Other) A lot of work needs to be done to the bill. There are a lot of pieces of the Paraeducator Advisory Work Group (Work Group) that are not included in this version, but were included in the legislation that passed the Senate. The Senate version of the bill is preferred because it includes all of the recommendations from the Work Group—recommendations that were two years in the making and included the input of 98 people and 15 Washington Education Association members. The Legislature appropriates \$1 billion per year for the education opportunity gap programs of Learning Assistance, English Language Learning, and Special Education. Sixty percent of the instruction in those programs is provided by paraeducators who have little, if any, training and for whom there are no professional standards. The Legislature will not be able to change the opportunity gap until it starts taking seriously the roll of paraeducators.

Persons Testifying: (In support) Lucinda Young, Washington Education Association.

(Other) Doug Nelson, Public School Employees Service Employees International Union 1948.

Persons Signed In To Testify But Not Testifying: None.