

HOUSE BILL REPORT

E2SSB 5179

As Passed House - Amended:

April 15, 2015

Title: An act relating to paraeducators.

Brief Description: Concerning paraeducators.

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

Brief History:

Committee Activity:

Education: 3/23/15, 3/30/15 [DPA];

Appropriations: 4/6/15, 4/7/15 [DPA(ED)].

Floor Activity:

Passed House - Amended: 4/15/15, 90-8.

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

- Creates minimum employment entry standards for paraeducators who work in certain programs.
- Creates a Paraeducator Professional Practices committee, overseen by the Professional Educator Standards Board (PESB), to advise the PESB, the State Board for Community and Technical Colleges (SBCTC), and the Office of the Superintendent of Public Instruction on the training and development of paraeducators.
- Requires adoption of Standards of Practice for paraeducators working in certain programs, and standards for an English Language Learner Endorsement and an Advanced Paraeducator Endorsement.
- Requires that the courses of study necessary to meet these standards be approved by the PESB and made available through various providers.
- Requires piloting of the standards and reports with certain recommendations.
- Provides that a phased-in statewide implementation of the Standards of Practice will begin no later than 2018.

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.

- Requires the SBCTC incorporate the Standards of Practice into their paraeducator training programs.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 19 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, Fagan, Gregory, Griffey, Hargrove, S. Hunt, Kilduff, Lytton, McCaslin, Orwall, Pollet and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Hayes and Klippert.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Education. Signed by 29 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, G. Hunt and Taylor.

Staff: Jessica Harrell (786-7349).

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.

Under the federal No Child Left Behind Act, paraeducators who provide instruction and are paid in whole or in part by federal Title I funds must meet a federal definition of highly

qualified. Since 2006 federal Title I paraeducators must have a high school diploma or equivalent, and have one of the following:

- completed two years of study at an institution of higher education;
- earned an Associate Degree or higher; or
- demonstrated competency through an approved formal assessment.

Training for paraeducators is available in the form of apprenticeships, certificate programs, and Associate of Arts degree (AA) programs. The AA programs include the general requirements for receipt of an AA 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. Beginning with the 2015-16 academic year, the apprenticeship and certificate programs must incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by the Professional Educator Standards Board (PESB).

Paraeducator Standards Workgroup.

In 2014 the Legislature directed the PESB to convene a workgroup 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. As directed, the workgroup submitted their 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.

The workgroup must submit a final report by January 10, 2016, concerning minimum employment standards for basic education and special education paraeducators, and appropriate professional development and training to help paraeducators meet the employment standards.

Summary of Amended Bill:

Minimum Employment Standards for Paraeducators.

Effective September 1, 2015, a paraeducator who works in the LAP, federal disadvantaged programs, and ELL programs (meaning the ELL program, the Transitional Bilingual Instruction Program, and the federal Limited English Proficiency program) must meet the following minimum employment entry standards:

- 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 AA; or
- have earned 72 quarter credits or 48 semester credits at an institution of higher education.

Paraeducator Professional Practices Committee.

By September 1, 2015, the PESB must establish a Paraeducator Professional Practices Committee (Committee) to advise the PESB, the State Board for Community and Technical Colleges (SBCTC), and the OSPI on the training and development of paraeducators.

The Committee must be composed of a paraeducator, a teacher, a principal, and a human resource director, each appointed by the OSPI; a parent whose child receives instructional support from a paraeducator, appointed by the Washington State Parent Teacher Association; a representative of the community and technical colleges, appointed by the SBCTC; and a representative of the institutions of higher education, appointed by the Washington Student Achievement Council. The PESB must oversee and administer the Committee.

Standards and Courses of Study.

The PESB must adopt state Standards of Practice for paraeducators working in the LAP, the federal disadvantaged programs, and the ELL programs that are based on the recommendations of the paraeducator workgroup. These standards 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.

The PESB must also adopt standards and rules for the issuance of an ELL Endorsement, based on workgroup's recommendations. In addition, the Committee must propose that the PESB adopt standards and rules for the issuance of Advanced Paraeducator Endorsement. These standards and the course of study must qualify an advanced paraeducator to: mentor or coach other paraeducators, assist in highly impacted classrooms, assist in specific specialized instruction support or technology applications, and substitute for teachers in short absence situations in districts with substitute teacher shortages.

The Committee, in collaboration with the SBCTC, the OSPI, and the Educational Service Districts (ESDs), must recommend to the PESB the courses of study necessary to meet the state Standards of Practice and the endorsement standards adopted by the PESB. The courses of study must be made available through various means to limit costs and improve access, with providers including the community and technical colleges, the ESDs, and the OSPI.

The deadlines for the PESB to approve the courses of study are as follows:

- July 1, 2016, for the courses of study necessary to meet the Standards of Practice and the ELL Endorsement; and
- September 1, 2017, for the course of study necessary to meet the Advanced Paraeducator Endorsement.

The tasks in this section are subject to the availability of amounts appropriated for the specific purpose. In addition, to support these tasks, the Committee and the PESB may consult with experts.

Pilots.

Subject to the availability of amounts appropriated for the specific purpose, during the 2016-17 and 2017-18 school years, the PESB must distribute grants, as funded by the Legislature, to a diverse set of school districts that volunteer to participate in a collaborative process resulting in the development and piloting of the paraeducator Standards of Practice and the ELL Endorsement standards adopted by the PESB.

Subject to the availability of amounts appropriated for the specific purpose, by September 1, 2017, and September 1, 2018, the volunteer districts must report to the Committee and the PESB with the outcomes of year one of the pilot and any recommendations for implementing the Standards of Practice statewide. The outcomes reported must include:

- an analysis of the costs to the district to implement the Standards of Practice and the ELL Endorsement standards and the course of study necessary to meet these standards;
- any costs to paraeducators to meet the standards;
- the number of paraeducators in the district that meet the standards; and
- the impact on the size and assignment of the paraeducator workforce as a result of the pilot.

Subject to the availability of amounts appropriated for the specific purpose, by December 1, 2017, the Committee and the PESB must submit a report to the Legislature that includes:

- the outcomes of the pilot;
- recommendations on whether the state should implement the Standards of Practice and the ELL Endorsement standards statewide, with estimated costs of statewide implementation to the state and to districts; and
- the effects of establishing a system of continuing education, licensure, endorsement, or alternative training verification processes and fees.

In developing this report, the Committee and the PESB must collaborate with the OSPI, the ESDs, the SBCTC, and the piloting school districts.

In addition, subject to the availability of amounts appropriated for the specific purpose, the Committee and the PESB must include in the PESB and the State Board of Education's 2018 joint report to the Legislature an update of the 2017 report.

Statewide Implementation.

No later than September 1, 2018, all school districts must begin implementing the Standards of Practice for paraeducators working in the LAP, the federal disadvantaged programs, and the ELL programs, according to a phase-in schedule specified by the Legislature, subject to the availability of amounts appropriated for the specific purpose.

Duties of the Professional Educator Standards Board.

The PESB must perform the duties related to paraeducators provided in the new chapter created in this act.

Paraeducator Training Requirements.

By September 1, 2016, the paraeducator AA, certificate, and apprenticeship programs must incorporate the paraeducator Standards of Practice adopted by the PESB, subject to the availability of amounts appropriated for the specific purpose.

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.

Staff Summary of Public Testimony (Education):

(In support) This is the first state in the country going after paraeducator development. Paraeducators provide significant instruction in the classroom. This bill acknowledges how important paraeducators are, and creates a career path and pipeline for paraeducators. This policy will have huge benefits across the board. Many paraeducators support the bill because it recognizes, encourages, and supports the instructional role that the LAP and ELL paraeducators are already providing. Paraeducators tend to like the addition of the parent on the Board and the addition of cultural competency in this version of the bill. Paraeducators provide instruction to students in the opportunity achievement gap, so it is important that they are highly qualified. Some parents of special education students believe that this additional instruction is critical for the success of students. Paraeducators provide the bulk of instruction to certain students, thus providing them with access to the classroom. Paraeducators help special education students engage with their communities. Being a paraeducator is really hard; they are asked to be experts on many disabilities and social/emotional challenges. Paraeducators need to be provided with more training.

(With concerns) The work of the workgroup is unfinished, so this bill is premature. Some overlap and oversight issues may result if the workgroup runs concurrently with the new Board. Once the workgroup finishes its report, many of these recommendations may not be needed to put into law.

The bill is unclear about who will be delivering the trainings and the practicums. Currently, the PESB approves the programs that provide teacher trainings and the programs recommend students for certification. The alternate is to do a transcript analysis for certification.

This bill does not guarantee that paraeducators will get ongoing professional development. Teachers pay for their own professional development. Paraeducators want high quality professional development so they can meet the needs of their students. They are often in one-on-one situations with students and have lots to do with student success. Paraeducators are nervous about a licensure system. This bill sets up a two-year pilot program after which paraeducators would have three years to get their license requirements. It is unclear who will pay for the training. There is no entity to develop the classes, so an amendment is necessary to specify that the OSPI will do this in collaboration with the Board. There is no analysis of how much this will cost, so the pilot districts should

report how much this will cost to the state and districts, and how much of the cost will be borne by paraeducators.

The null and void issue is a concern because if certain components are not funded, those components will not be required, but paraeducators will still be required to be licensed. It is important to support paraeducators in the classroom, but costs will go up under this bill. The use of paraeducators will be more limited as well, because not all paraeducators will have the appropriate certification or endorsement. The workgroup was unanimous that cultural competency is important. There is no course on cultural competency ready to go, although it is part of community college courses. The licensure system is not funded and training is only required subject to funds appropriated.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The state and federal governments spend \$1.2 billion on the Learning Assistance Program and Transitional Bilingual Instruction Program, which is presumably for educational services. More than half of educational services are provided by paraeducators, for whom there are no standards and no training. For these programs to be successful, paraeducators must have standards and training. Paraeducators do a lot of work educating children in the opportunity gap. Parents are frustrated with the lack of training and the impact that has on their children. It is critically important for these educational staff to have training and meet standards. Paraeducators do incredible work with the state's neediest children. Paraeducators are the least compensated people in our system. The committee is encouraged to keep in mind the training and staffing costs that will impact districts.

(Opposed) The legislation includes unfunded mandates that will impact paraeducators and school districts. It is requested that pilot programs be fully funded by the state. Additionally, the certification fees listed in the fiscal note are estimated to be much higher than fees paid by teachers for certification. The cost of the certification may be too high for paraeducators to afford. The impact to compensation and the total impact to districts are not reflected in the fiscal note.

Persons Testifying (Education): (In support) Senator Hill, prime sponsor; Reen Doser, Public School Employees of Washington; Jennifer Karls, Bellevue Special Needs Parent Teacher Association; and Beth Sigall.

(With concerns) Kathy Goebel, State Board of Community and Technical Colleges; David Brenna, Professional Educator Standards Board; Lucinda Young, Washington Education Association; and Deb Merle, Washington State School Directors' Association.

Persons Testifying (Appropriations): (In support) Doug Nelson, Public School Employees; Jennifer Karls, Bellevue Special Needs Parent Teacher Association; and Alan Burke, Washington State School Directors Association.

(Opposed) Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.