

SENATE BILL REPORT

2SSB 6408

As Passed Senate, February 15, 2016

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: Early Learning & K-12 Education: 1/28/16, 2/02/16 [DPS-WM].
Ways & Means: 2/04/16, 2/09/16 [DP2S, w/oRec].
Passed Senate: 2/15/16, 43-5.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6408 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Billig, Fain, Hill, Mullet and Rolfes.

Staff: Alia Kennedy (786-7405)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6408 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Darneille, Hewitt, Nelson, O'Ban, Padden, Parlette, Pedersen, Rolfes and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator Hasegawa.

Staff: Lorrell Noahr (786-7708)

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.

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 Second Substitute Bill: Minimum Employment Standards for Paraeducators. Effective September 1, 2016, the minimum employment standards for paraeducators working in a special education program, basic education program, learning assistance program (LAP), federal disadvantaged program, and English language learner (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, 2016, 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 2017-18 school year to districts that volunteer to field test the implementation of paraeducator certification, special education, and the ELL endorsement for paraeducators. Beginning September 1, 2018, all school districts must start implementation of paraeducator certification for paraeducators working in the 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 the Professional Educator Standards Board (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. The

fees from the paraeducator certification shall be deposited in the educator processing account.

English Language Learning Program Paraeducator Endorsement. Beginning September 1, 2018, 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. By September 1, 2018, 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, 2016.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): PRO: The bill is similar to legislation introduced last year and adds special education and basic education for paraeducators, and includes some technical changes in order to start the five year implementation. Over 94 people, including teachers, principals, administrators, educators, department heads, and parents worked to put this bill together. The bill received broad bi-partisan support last year. Training staff who work with students who have challenges and are some of the most vulnerable learners is incredibly important. The bill puts together a sustainable training model and provides paraeducators with a career path. The bill provides for competency based testing and a cost efficient certification process. It will be difficult to reduce the opportunity gap when several hundred thousand students in the gap are provided instruction by paraeducators who receive no training. In this era of teacher shortages, paraeducators are available and employed to serve our students learning needs now. There needs to be statewide equity and expectations to provide all paraeducators with the tools they need to teach, and our students the tools they need to grow.

CON: The certification system raises concerns. Unlike teachers seeking licensure, there is no professional development system in our state for paraeducators. Paraeducators do not want a certification system and are concerned that if it goes into place without a professional development system that they will lose their job or not be able to afford to take their classes. The licensure requirements may have the unintended consequence of driving paraeducators out of the profession. The workgroup report does not include a licensing requirement, but rather a certificate of completion which would put the responsibility on the school districts to ensure that paraeducators develop professionally. Paraeducators will not find professional development accessible or affordable without full funding from the Legislature.

OTHER: The certification mandate should only be implemented if training is fully funded. Incentives for paraeducators, such as better compensation, should also be included.

Persons Testifying on Original Bill (Early Learning & K-12 Education): PRO: Senator Hill, prime sponsor; Jene (Jenna) Jones, League of Education Voters; Doug Nelson, PSE/SEIU 1948; Beth Sigall, Parent Teacher Association (PTA); Jennifer Karls, Bellevue Special Needs Parent Teacher Association (PTA).

CON: Cathy Smith, Paraeducator; Lucinda Young, Washington Education Association; David Brenna, Professional Educator Standards Board.

OTHER: Alex Hur, SEIU 925.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill recognizes the important work of paraeducators improving the learning environment in the classroom. This bill supports a better trained paraeducator workforce. This is the same bill that was passed off the Senate floor last year. There are a lot of good aspects to this bill. This bill develops a structure that is nonexistent for 31,000 paraeducators to learn how to do their jobs. This is an investment from the state to get off the ground, but it self-supporting after two years.

CON: The standards and professional development that are required by this bill are supported, but the certificate of completion is not necessary. Funding is necessary for a successful rollout of the critical practicum and courses that lead to a certificate of completion, which could be provided by Educational Services Districts or other associations that are more than willing to prepare these courses. Funding is also critical for the field test grants. The bill language for the grants in this section should be amended to allow school districts to individualize the implementation for their specific needs.

Persons Testifying on First Substitute (Ways & Means): PRO: Kim Brodie, Superintendent of Public Instruction; Doug Nelson, PSE/SEIU 1948.

CON: Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: No one.