

# HOUSE BILL REPORT

## SB 5070

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**As Reported by House Committee On:**  
Education  
Appropriations

**Title:** An act relating to paraeducators.

**Brief Description:** Concerning paraeducators.

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

**Brief History:**

**Committee Activity:**

Education: 3/20/17, 3/28/17 [DPA];

Appropriations: 4/1/17, 4/4/17 [DPA(APP w/o ED)].

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

- Creates the Paraeducator Board with listed members and duties.
- Requires paraeducators to meet certain minimum employment standards by September 1, 2017.
- Creates a general paraeducator certificate, with specified requirements; however, provides that paraeducators are not required to meet these requirements unless the Legislature appropriates funding to school districts to provide courses on the state standards of practice.
- Creates optional paraeducator subject matter certificates in special education and English language learner, and an optional advanced paraeducator certificate, with specified requirements.
- Requires teacher and administrator preparation and professional learning programs that describe how to work with paraeducators.
- Expands scholarship programs for paraeducators.
- Specifies that the following are subject to funding by the Legislature:
  - courses on the state paraeducator standards of practice be provided to paraeducators according to certain deadlines;
  - training of current teachers and principals on how to work with paraeducators;

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*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.*

- providing grants to districts to pilot the standards and specialty certificates;
- a study on the effectiveness of paraeducators; and
- incorporation of the paraeducator standards of practice into paraeducator degree and certificate programs.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele and Volz.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Caldier and Stokesbary.

**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. 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.

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

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 certificated 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:

- 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 certificated employees that focuses on effective planning, collaboration, and supervision of paraeducators.

Teacher Certification for Paraeducators. 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 via Route One of the Alternative Route to Teacher Certification (Alternative Route One) program. The Alternative Route programs are 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.

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.

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### **Summary of Amended Bill:**

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 a general paraeducator certificate;
- establish requirements and policies for paraeducator subject matter certificates in ELL and special education;
- establish requirements and policies for an advanced paraeducator certificate;
- by September 1, 2018, approve, and develop if necessary, courses required to meet the certificate requirements, where the courses are offered in a variety of means that will limit cost and improve access;
- 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.

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, 2017, 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, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. 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 the following deadlines:

- for paraeducators hired on or before September 1, by September 30 of that year, regardless of the size of the district; and
- for paraeducators hired after September 1:

- for districts with 10,000 or more students, within four months of the date of hire; and
- for districts with fewer than 10,000 students, no later than September 1 of the following year.

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, as defined by the board, on the state paraeducator standards of practice. Subject to funding by the Legislature, beginning September 1, 2019, school districts must:

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

Subject Matter Certificates. 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 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, certificate requirements, and courses of study 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 programs and design a training program for teachers and administrators that includes, the following content: 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, school districts, and the ESDs.

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

Teacher Certification for Paraeducators. The Paraeducator Scholarship and Alternate Route One programs are expanded to applicants seeking teacher 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 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. 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.

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

#### **Amended Bill Compared to Original Bill:**

The amended bill maintains substantial similar provisions relating to: statewide minimum employment requirements for paraeducators, elements of the paraeducator standards, field testing of the new paraeducator programs, fees for paraeducator certificates, training for

teachers and principals as it relates to their role working with paraeducators, adding standards to the paraeducator associate of arts degree and apprenticeship program requirements, and a study on the effectiveness of paraeducators in improving outcomes.

The amendment changes the paraeducator certificate requirements as follows:

- specifies that to be eligible for a general paraeducator certificate a paraeducator must complete a four-day fundamental course of study and 10 days of general courses on the state paraeducator standards of practice, but provides that paraeducators are not required to meet these requirements unless amounts are appropriated for the courses;
- requires that, beginning September 1, 2019, and subject to funding, school districts must: (1) provide paraeducators with general courses on the standards of practice, and (2) ensure all paraeducators meet the general certification requirements within three years of completing the four-day fundamental course of study;
- makes the endorsements in special education and ELL optional rather than a requirement for paraeducators in those programs, and names them subject matter certificates; and
- specifies that to be eligible for an advanced paraeducator certificate, rather than an endorsement, a paraeducator must complete 75 hours of professional development in topics related to the duties of an advanced paraeducator.

The amendment adds members to the board, includes provisions which fill vacancies and remove members, and changes the administrator to the PESB, rather than the OSPI. It requires the board to approve, and develop if necessary, courses required to meet the provisions of this chapter, by September 1, 2018. It also adds that the SPI must act as the administrator of any board rules and have the power to issue any paraeducator certificates and revoke the same in accordance with these rules.

Finally, the amended bill expands the Pipeline for Paraeducators and the Alternative Route to Teaching Certificate Route One.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 28, 2017.

**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) The state must address the opportunity gap in order to fulfil its McCleary obligations. Paraeducators provide much of the education to students in the opportunity gap, and so help close the gap. However, paraeducators do not receive training or education, unless they work with a teacher who is willing to provide guidance. Paraeducators can help provide quality education to students in high poverty, learning English, and in special education. The state should look at paraeducators as part of the future teacher pipeline and as



a substitute pipeline. The state can only do this if paraeducators are adequately trained. This bill is fully funded in the Senate budget.

Parents with students of special needs who have received instruction from paraeducators think that the content of this bill is very important. Some students' best chance of receiving an appropriate education is through the paraeducators who instruct them. Paraeducators should understand the developmental level of the students they serve and use this knowledge successfully. The only qualification for paraeducators for some students is a background check. Paraeducators often do the majority of the teaching such that the head teacher does not know what happened with the students during the day. If paraeducators were trained on how to teach students with disabilities, then there might not be situations that escalate and result in detention of students.

Students sometimes need to go to private schools at public expense when the appropriate staff are not available in the public schools. Twenty years ago paraeducators were mostly parent volunteers who provided nonacademic services. Today, paraeducators provide academic instruction to the students who need the most specialized help. Many students are not receiving the education they need to lead an independent life. Some individuals with developmental and intellectual disabilities support the bill. Some paraeducators know the material and can help students do their work, but other paraeducators are only in the classroom to babysit. They do not have the tools to work with students with disabilities and this does not help the students succeed. To have requirements for paraeducators' educational background will help support students.

An advanced paraeducator could substitute for a teacher. This bill was developed by paraeducators, administrators, teachers, and paraeducators. There is a teacher shortage in special education and the transitional bilingual program. There is also a substitute teacher shortage. The reliance on paraeducators is not declining; the reliance is increasing. However, the paraeducators need to be supported. If a highly qualified paraeducator could fill-in where there are not enough teachers to split classes into two, this could resolve the shortage in classroom teachers. Dog walkers need to be licensed, but paraeducators do not. There is a concern that paraeducators might be fired if certification requirements are put in place, but the Legislature could extend the timelines for compliance if there were implementation provisions.

(Opposed) Over 5,000 paraeducators were pleased with the Para Work Group and agreed with much of the final report. The Senate bill requires licensure in three years and an endorsement for some paraeducators. Many paraeducators are concerned that they would lose their job if they could not complete the requirements due to lack of time or money. The House bill funds the course development and the time for paraeducators to complete the courses. The House version mandates the professional development and provides the time for paraeducators to complete the classes. The House bill makes licensure voluntary.

(Other) The appropriate governing agency to oversee the board is the PESB, whose members are appointed by the Governor. The PESB staffed the Para Work Group that recommended creating the board, and has previously had a paraeducator on its board. The OSPI prefers the House version of the bill, although it would like to provide the professional learning to paraeducators as it is working on training modules now.

**Persons Testifying:** (In support) Senator Rivers, prime sponsor; Cassandra Sage, Washington State Parent Teacher Association; Noah Seidel, Self Advocates in Leadership; Arzu Forough, Washington Autism Alliance and Advocacy; and Doug Nelson, Public School Employees of Washington and Service Employees International Union.

(Opposed) Lucinda Young, Washington Education Association.

(Other) Maria Flores, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Education. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Cody, Condotta, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

**Staff:** Jessica Harrell (786-7349).

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

The effective date for minimum employment standards for paraeducators is delayed by one year from September 1, 2017, to September 1, 2018.

**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:**

(In support) It is important for paraeducators to have the knowledge that they need to be successful. The Education Committee amendment places paraeducator standards into law. A Paraeducator Board is created with practitioners who will guide the development of the certificates and trainings. Amendment ED H-2428.4 provides funding for paraeducator training courses and develops necessary infrastructure and will require support from the Legislature in future years.

Many parents and teachers support paraeducator training, certification, and endorsements. Some people preferred the bill as it was originally introduced. Some people

prefer the bill as amended. The two chambers are in agreement on the policy of the companion bills and both have funded the policy in their operating budget bills.

This policy will help with the teacher and substitute teacher shortages. The policy will also help to close the opportunity gap among students. Students win when paraeducators receive professional development to meet their job requirements.

(Opposed) None.

(Other) The minimum employment standards required under amendment ED H-2428.4 are largely already required because these were the requirements under prior federal law for some categories of paraeducators, and some districts require these minimums for all paraeducators. However, 20-30 percent of paraeducators do not meet these minimum requirements. It would be good to amend the bill so that existing paraeducators who do not have a passing grade on the Education Testing Service's Paraeducator Assessment can receive a one-year extension from this requirement.

**Persons Testifying:** (In support) Marie Sullivan, Washington State Parent Teacher Association; Lucinda Young, Washington Education Association; and Doug Nelson, Public School Employees-Service Employees International Union 1948.

(Other) Alex Hur, Service Employees International Union 925.

**Persons Signed In To Testify But Not Testifying:** None.