

# SENATE BILL REPORT

## SB 5264

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As of February 1, 2023

**Title:** An act relating to minimum employment requirements for paraeducators.

**Brief Description:** Concerning minimum employment requirements for paraeducators.

**Sponsors:** Senators Wellman, Wilson, C., Hasegawa, Kuderer, Lovick, Nguyen, Nobles and Shewmake; by request of Professional Educator Standards Board.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/01/23.

### Brief Summary of Bill

- Requires paraeducators to receive a passing grade on a Paraeducator Board-approved assessment, rather than the Education Testing Service paraeducator assessment.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Benjamin Omdal (786-7442)

**Background:** Paraeducators provide instructional services to students while working under the direct supervision of instructional certificated staff. These services can include direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. Paraeducators are categorized under Washington law as classified instructional employees.

Federal law generally requires that paraeducators who work in programs supported by certain federal funds have a high school diploma or its equivalent and either:

- have completed at least two years of study at an institution of higher education;
- hold an associate's or higher degree; or
- meet a rigorous standard of quality, and can demonstrate, through a formal state or

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local academic assessment, knowledge of, and the ability to assist in instructing in reading, writing, and mathematics.

Under state law, paraeducators must be at least 18 years of age and hold a high school diploma or its equivalent. In addition, paraeducators must either:

- have received a passing grade on the Education Testing Service 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.

Education Testing Service Paraeducator Assessment. The private organization, Education Testing Service (ETS), offers a paraeducator assessment called the ETS ParaPro Assessment. According to the ETS, the assessment was developed in response to federal law that allows paraeducators to meet minimum employment requirements by demonstrating knowledge of, and the ability to assist in, the instruction of reading, writing, and mathematics.

The assessment is conducted online at an individual's home or on a computer at certain test centers. Both options are monitored by a human proctor and only available during specified business hours. Test-takers have 2.5 hours to finish 90 multiple-choice questions.

Paraeducator Board. The Paraeducator Board is a statutorily created nine-member board whose duties include establishment of requirements related to the paraeducator standards of practice, mandatory paraeducator certificates, and optional paraeducator certificates.

**Summary of Bill:** Minimum employment requirements for paraeducators are revised so that a paraeducator must have received a passing grade on an assessment approved by the Paraeducator Board, rather than on the Education Testing Service paraeducator assessment.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: The ETS assessment is no longer going to hold their test online, making it more difficult for paraeducators to become certified. PESB is working on developing a Washington-based assessment for paraeducators. The bill is necessary, even with the delay of ETS in implementing its actions. We need to eliminate barriers to hiring qualified candidates. This bill would provide more options for applicants

to positions in rural areas.

**Persons Testifying:** PRO: Senator Lisa Wellman, Prime Sponsor; Nasue Nishida, Washington Education Association; Dr. Erica Hernandez-Scott, Professional Educator Standards Board; Zackary Turner, Professional Educator Standards Board; Roz Thompson, Association of Washington School Principals; Rick Chisa, Public School Employees of Washington (PSE); Jim Kowalkowski, Rural Education Center.

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