

AMENDED IN SENATE APRIL 11, 2002

SENATE BILL

No. 1405

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Introduced by Senator O'Connell

February 13, 2002

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An act to ~~add Section 44227.8 to~~ amend Sections 45344.5 and 45361.5 of, and to add Section 45273.1 to, the Education Code, relating to ~~teacher training~~; instructional aides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, O'Connell. ~~Teacher training: use of paraprofessionals~~ Paraprofessionals: instructional aides.

Existing law provides that no person shall be initially assigned to assist in instruction as an instructional aide, as defined, or to assist in instruction as a teacher aide for kindergarten and grades 1 to 12, inclusive, unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills up to or exceeding that required for high school seniors, as provided.

This bill, instead, would require a school district that employs a paraprofessional to ensure that the paraprofessional has demonstrated, through a local assessment, knowledge of, and ability to assist in instructing reading, writing, and mathematics. The bill would define paraprofessional for these purposes to include an instructional aide or a teacher aide. The bill would require a paraprofessional that is supported by specified federal funds to have passed a proficiency exam, as specified. The bill would exempt a paraprofessional who was hired on or before January 1, 2003, from the exam requirement.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing law encourages institutions of higher education to provide, in teacher training programs, increased emphasis on the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders.

This bill would additionally encourage institutions of higher education to provide, in those programs, increased emphasis on teaching strategies for the effective utilization of paraprofessionals in the classroom.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 44227.8 is added to the Education Code;~~

2 SECTION 1. The Legislature finds and declares all of the  
3 following:

4 (1) Paraprofessionals are instructional aides, teacher aides,  
5 library aides, special education aides, speech language aides, and  
6 other classified school employees who assist a classroom teacher  
7 or a certificated employee. Paraprofessionals provide extra  
8 support to students, freeing teachers to focus intensively on  
9 instruction. Not only do well-trained paraprofessionals play a  
10 positive role in student achievement, veteran paraprofessionals  
11 play an even more important role in classrooms taught by  
12 inexperienced, emergency credentialed teachers.

13 (2) Paraprofessionals are dedicated, committed, and reflective  
14 of the community in which they work, and know the students'  
15 languages and cultures. They also provide an excellent pool from  
16 which to draw experienced minority paraprofessionals into the  
17 teaching profession.

18 (3) The duties of a paraprofessional include assisting teachers  
19 in various tasks, reinforcing lesson plans, helping organize  
20 classrooms and equipment, and helping with paperwork and other  
21 administrative duties so that teachers have more time to focus on  
22 instructing students.



1 (4) California is a major participant in the Title I program  
2 under the recently enacted federal legislation, No Child Left  
3 Behind Act of 2001 (P.L. 107-110). Since 1982, paraprofessionals  
4 in California public schools have been assessed for their  
5 proficiency and ability to assist teachers and certificated  
6 personnel in teaching reading, writing, and math. This legislation  
7 is intended to ensure that state law conforms with federal law  
8 regarding the testing requirements for paraprofessionals  
9 supported by federal Title I funds.

10 SEC. 2. Section 45273.1 is added to the Education Code, to  
11 read:

12 45273.1. (a) As used in this section, a paraprofessional  
13 means a person who assists classroom teachers and other  
14 certificated personnel in instructing reading, writing, and  
15 mathematics. A paraprofessional includes an instructional aide as  
16 defined in subdivision (a) of Section 45343 and a teacher aide as  
17 described in Section 45360.

18 (b) A paraprofessional shall perform only duties that, in the  
19 judgement of the certificated personnel to whom the instructional  
20 aide is assigned, may be performed by a person not licensed as a  
21 classroom teacher. These duties shall not include assignment of  
22 grades to pupils.

23 (c) A school district shall ensure that a paraprofessional who  
24 assists in instruction has demonstrated, through a local  
25 assessment, knowledge of, and ability to assist in instructing  
26 reading, writing, and mathematics. Educational qualifications  
27 and proficiency exams developed by a school district shall be  
28 appropriate to the responsibilities to be assigned to the  
29 paraprofessional.

30 (d) Pursuant to Title I of the federal No Child Left Behind Act  
31 of 2001 (P.L. 107-110), a paraprofessional that is supported by  
32 Title I funds shall have passed a proficiency exam pursuant to  
33 subdivision (c). A paraprofessional who provides services related  
34 to language translation or parental involvement activities is  
35 exempt from the exam requirements of this subdivision and  
36 subdivision (c).

37 (e) A paraprofessional who was hired on or before January 1,  
38 2003, is deemed to have met the proficiency exam requirements of  
39 subdivisions (c) and (d).

1 (f) A school district may use an existing proficiency exam to test  
2 a paraprofessional, or may develop a new proficiency exam to  
3 meet the exam requirements of subdivisions (c) and (d).

4 SEC. 3. Section 45344.5 of the Education Code is amended to  
5 read:

6 45344.5. (a) ~~Commencing on March 1, 1982, no~~ No person  
7 shall be initially assigned to assist in instruction as an instructional  
8 aide unless the person has demonstrated proficiency in basic  
9 reading, writing, and mathematics skills ~~up to or exceeding that~~  
10 ~~required by the employing district for high school seniors under~~  
11 ~~Section 51216 if the employing district educates high school~~  
12 ~~students. If the employing district is an elementary school district,~~  
13 ~~the aide shall demonstrate proficiency in basic reading, writing,~~  
14 ~~and mathematics skills up to or exceeding that required for high~~  
15 ~~school seniors under Section 51216 in the high school district that~~  
16 ~~includes all or the largest portion of the elementary district~~  
17 ~~pursuant to Section 45273.1.~~

18 (b) A school district may charge aides, ~~including~~ prospective  
19 aides, taking the district's proficiency test, a fee to fund the costs  
20 incurred by the district in giving the test. This fee may be subject  
21 to negotiation between the district and the exclusive representative  
22 of instructional aides, but in no event shall the fee exceed seven  
23 dollars (\$7).

24 (c) An instructional aide who passes a district proficiency test  
25 as required by this section, transfers to another district, and is  
26 employed in the same capacity shall be considered to have met the  
27 proficiency standards for purposes of this section unless the  
28 district to which he or she has transferred determines that the test  
29 taken by the aide is not comparable to the standards required by the  
30 employing district.

31 SEC. 4. Section 45361.5 of the Education Code is amended to  
32 read:

33 45361.5. ~~Commencing on March 1, 1982, no~~ (a) No person  
34 shall be initially assigned to assist in instruction for work as an aide  
35 for instructional purposes in kindergarten and grades 1 ~~through to~~  
36 12, *inclusive*, unless the person has demonstrated proficiency in  
37 basic reading, writing, and mathematics skills ~~up to or exceeding~~  
38 ~~that required by the employing district for high school seniors~~  
39 ~~under Section 51216 if the employing district educates high school~~  
40 ~~students. If the employing district is an elementary school district,~~



1 ~~the aide shall demonstrate proficiency in basic reading, writing,~~  
2 ~~and mathematics skills up to or exceeding that required of high~~  
3 ~~school seniors under Section 51216 in the high school district~~  
4 ~~which includes all or the largest portion of the elementary school~~  
5 ~~district pursuant to Section 45273.1.~~

6 ~~As~~

7 (b) *As* used in this section, “initially assigned” means any  
8 assignment, including substitute, temporary, probationary, or  
9 permanent employment, to assist in instruction as an aide for  
10 instructional purposes.

11 ~~A~~

12 (c) A school district may charge a fee to ~~aides, including~~  
13 prospective aides, taking the district proficiency test pursuant to  
14 the requirements of this section to fund the costs incurred by the  
15 district in giving the test. This fee may be subject to negotiation  
16 between the district and the exclusive representative of  
17 instructional aides, but in no event shall the fee exceed seven  
18 dollars (\$7).

19 ~~The~~

20 (d) *The* school district governing board, at a public meeting,  
21 may grant an exemption from this requirement to any person, for  
22 a period of one year, if the person is to be assigned as a  
23 bilingual-crosscultural aide and the governing board determines  
24 that there is no other person available to serve in the same capacity.  
25 Upon or prior to the expiration of the one-year period, the  
26 bilingual-crosscultural aide shall be required to take and pass the  
27 basic skills test required by this section. A bilingual-crosscultural  
28 aide who has not demonstrated his or her basic skills proficiency  
29 through these means may not be compensated for work as a  
30 bilingual-crosscultural aide. A bilingual-crosscultural aide may  
31 only be granted one exemption from this requirement. The  
32 authority of district governing boards to grant these exemptions  
33 shall cease on June 30, 1985.

34 ~~An~~

35 (e) *An* aide who passes a district proficiency test as required by  
36 this section who transfers to another district and is employed in the  
37 same capacity, shall be considered to have met the proficiency  
38 standards for purposes of this section unless the district to which  
39 he or she has transferred determines that the test taken by the aide



1 is not comparable to the standards required by the employing  
2 district.

3 ~~An~~

4 (f) An aide who passes a district proficiency test, as required by  
5 this section, and who is reassigned to another school or program  
6 in the district and is employed in the same capacity, shall be  
7 considered to have met the state basic skills proficiency test  
8 requirement.

9 *SEC. 5. No reimbursement is required by this act pursuant to*  
10 *Section 6 of Article XIII B of the California Constitution because*  
11 *a local agency or school district has the authority to levy service*  
12 *charges, fees, or assessments sufficient to pay for the program or*  
13 *level of service mandated by this act, within the meaning of Section*  
14 *17556 of the Government Code.*

15 ~~to read:~~

16 ~~44227.8. The Legislature encourages institutions of higher~~  
17 ~~education to provide, in teacher training programs, increased~~  
18 ~~emphasis on teaching strategies for the effective utilization of~~  
19 ~~paraprofessionals in the classroom.~~

