

AMENDED IN ASSEMBLY JULY 2, 2002  
AMENDED IN ASSEMBLY JUNE 18, 2002  
AMENDED IN SENATE MAY 1, 2002  
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 amend Sections 45344.5 and 45361.5 of, and to add Section 45273.1 to, the Education Code, relating to instructional aides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, O'Connell. 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 would apply those requirements to paraprofessionals and would require a paraprofessional who is supported by specific funds under the federal No Child Left Behind Act *of 2001* and who assists in instruction to complete at least 2 years of study at an institution of higher learning, possess an associate's degree or higher, or demonstrate, through a local or state 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 exempt specified paraprofessionals from the bill's requirements.*

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.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Paraprofessionals are instructional aides, teacher aides,
- 4 library aides, special education aides, speech aides, speech
- 5 language pathology assistants, and other classified school
- 6 employees who assist a classroom teacher or a certificated
- 7 employee. Paraprofessionals provide extra support to students,
- 8 freeing teachers to focus intensively on instruction. Not only do
- 9 well-trained paraprofessionals play a positive role in student
- 10 achievement, veteran paraprofessionals play an even more
- 11 important role in classrooms taught by inexperienced, emergency
- 12 credentialed teachers.
- 13 (b) 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 (c) 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.
- 23 (d) California is a major participant in the Title I program under
- 24 the recently enacted federal legislation, No Child Left Behind Act
- 25 of 2001 (P.L. 107-110). Since 1982, paraprofessionals in
- 26 California public schools have been assessed for their proficiency
- 27 and ability to assist teachers and certificated personnel in teaching



1 reading, writing, and mathematics. This legislation is intended to  
2 ensure that state law conforms with federal law regarding the  
3 testing requirements for paraprofessionals supported by federal  
4 Title I funds.

5 SEC. 2. Section 45273.1 is added to the Education Code, to  
6 read:

7 45273.1. (a) As used in this section, a paraprofessional  
8 means a person who assists classroom teachers and other  
9 certificated personnel in instructing reading, writing, and  
10 mathematics. A paraprofessional includes an instructional aide as  
11 defined in subdivision (a) of Section 45343 and a teacher aide as  
12 described in Section 45360.

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

18 (c) Pursuant to the federal No Child Left Behind Act of 2001  
19 (P.L. 107-110), a local education agency that receives funding  
20 from Title 1 of that act shall ensure that no later than January 8,  
21 2006, every paraprofessional who is supported by those Title 1  
22 funds and who assists in instruction has demonstrated at least one  
23 of the following:

24 (1) Completion of at least two years of study at an institution  
25 of higher education.

26 (2) Possession of an associate's degree or higher.

27 (3) Through a local or state assessment, that is appropriate to  
28 the responsibilities to be assigned to the paraprofessional,  
29 knowledge of, and ability to assist in, instructing reading, writing,  
30 and mathematics.

31 (d) No person shall be initially assigned to assist in instruction  
32 as a paraprofessional in kindergarten and grades 1 to 12, inclusive,  
33 unless the person has demonstrated proficiency in reading,  
34 writing, and mathematics skills up to or exceeding that required by  
35 the employing district for high school seniors pursuant to  
36 subdivisions (a) and (f) of Section 51220 if the employing district  
37 educates high school students.

38 (e) If the employing district is an elementary school district, the  
39 paraprofessional shall demonstrate proficiency in reading,  
40 writing, and mathematics skills up to or exceeding that required for



1 high school seniors pursuant to subdivisions (a) and (f) of Section  
2 51220 in the high school district that includes all or the largest  
3 portion of the elementary district.

4 (f) In establishing the educational qualifications or in  
5 developing a proficiency exam, a school district shall align the  
6 qualifications and proficiency exams pursuant to paragraph (3) of  
7 subdivision (c).

8 (g) A paraprofessional who provides services related to  
9 language translation or parental involvement activities is exempt  
10 ~~from the exam requirements of paragraph (3) from the~~  
11 *requirements* of subdivision (c).

12 (h) A paraprofessional who was hired on or before January 1,  
13 2003, and who has previously demonstrated, through a local  
14 assessment, knowledge of, and an ability to assist in, instructing  
15 reading, writing, and mathematics, is deemed to have met the  
16 proficiency exam requirements of paragraph (3) of subdivision  
17 (c).

18 (i) A school district may use an existing proficiency  
19 assessment, or may develop a new proficiency assessment to meet  
20 the requirements of paragraph (3) of subdivision (c).

21 (j) Pursuant to the federal No Child Left Behind Act *of 2001*,  
22 a local education agency may use a portion of the funds from Title  
23 II of that act for staff development for paraprofessionals.

24 SEC. 3. Section 45344.5 of the Education Code is amended  
25 to read:

26 45344.5. (a) No person shall be initially assigned to assist in  
27 instruction as an instructional aide unless the person has  
28 demonstrated proficiency in basic reading, writing, and  
29 mathematics skills pursuant to Section 45273.1.

30 (b) A school district may charge prospective aides taking the  
31 district's proficiency test a fee to fund the costs incurred by the  
32 district in giving the test. This fee may be subject to negotiation  
33 between the district and the exclusive representative of  
34 instructional aides, but in no event shall the fee exceed seven  
35 dollars (\$7).

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



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

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

5 45361.5. (a) No person shall be initially assigned to assist in  
6 instruction for work as an aide for instructional purposes in  
7 kindergarten and grades 1 to 12, inclusive, unless the person has  
8 demonstrated proficiency in basic reading, writing, and  
9 mathematics skills pursuant to Section 45273.1.

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

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

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 (e) An aide who passes a district proficiency test as required by  
35 this section who transfers to another district and is employed in the  
36 same capacity, shall be considered to have met the proficiency  
37 standards for purposes of this section unless the district to which  
38 he or she has transferred determines that the test taken by the aide  
39 is not comparable to the standards required by the employing  
40 district.



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

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

