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S. RES. 450

Expressing the sense of the Senate that paraprofessionals and education support staff should have fair compensation, benefits, and working conditions.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2023

Mr. MARKEY (for himself, Mr. SANDERS, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

RESOLUTION

Expressing the sense of the Senate that paraprofessionals and education support staff should have fair compensation, benefits, and working conditions.

Whereas paraprofessionals (also sometimes known as “paraeducators”) include education assistants and instructional assistants who work in elementary schools, secondary schools, or public institutions of higher education;

Whereas education support staff (also sometimes known as “classified school employees” or “education support professionals”) include professionals who work in elementary schools, secondary schools, or public institutions of higher education in clerical and administrative services, transportation services, food and nutrition services, custodial

and maintenance services, health and student services, technical services, and skilled trades;

Whereas more than 3,000,000 paraprofessionals and education support staff are the frontline workers who transform schools in the United States from brick and mortar buildings to places of learning and support for more than 49,000,000 students across the United States;

Whereas, since the onset of the COVID–19 pandemic, school staff employment has fallen across positions and there are still 331,000 fewer school staff than before the COVID–19 pandemic, leaving schools without the necessary staff in almost every position;

Whereas, since the onset of the COVID–19 pandemic, a shortage of teachers has resulted in some paraprofessionals and education support staff being expected to assume the duties of teachers without commensurate compensation or benefits;

Whereas many paraprofessionals and education support staff are undercompensated for their work, and do not receive a living wage, much less a competitive, family-sustaining living wage;

Whereas many paraprofessionals and education support staff are, as a matter of practice, laid off at the end of each school year and rehired annually, and lack job security;

Whereas, unlike most school employees, many paraprofessionals and education support staff are not full-time employees because their services, including those of bus drivers and food service workers, are time delimited;

Whereas many paraprofessionals and education support staff lack access to high-quality, affordable health care because they are intentionally hired for insufficient hours to re-

ceive health and retirement benefits, or otherwise are charged exorbitant employee premiums for health insurance;

Whereas, while paraprofessionals and education support staff are often the most diverse subset of school employees, are more likely to have grown up in the communities they serve, and are the trusted school community members for many students and parents, the voices of paraprofessionals and education support staff are not always valued in forming school policies;

Whereas paraprofessionals and education support staff often serve students facing systemic barriers, but are often excluded from professional growth and development opportunities;

Whereas, like many school employees, paraprofessionals and education support staff are too often subject to workplace violence and other safety hazards, including contaminants and extreme temperatures;

Whereas paraprofessionals and education support staff deserve real solutions that would empower them to—

(1) work in a stable, safe environment;

(2) have multi-year job security;

(3) receive livable and competitive wages, access to sufficient hours, and fair compensation for their work; and

(4) have a voice on the job and meaningful input in school policy;

Whereas respecting paraprofessionals and education support staff is essential to creating and maintaining safe and supportive school environments that are conducive to students learning and thriving; and

Whereas Congress seeks to recognize the rights, respect, and dignity that paraprofessionals and education support staff deserve as they continue to care for and educate the next generation: Now, therefore, be it:

1 *Resolved*, That it is the sense of the Senate that—

2 (1) paraprofessionals and education support
3 staff—

4 (A) should be compensated at a rate that
5 is a livable, competitive wage;

6 (B) should have access to high-quality, af-
7 fordable healthcare and healthcare benefits at a
8 de minimus personal cost;

9 (C) should be considered to be eligible em-
10 ployees under the Family and Medical Leave
11 Act of 1993 (29 U.S.C. 2601 et seq.);

12 (D) should be entitled to 16 weeks of paid
13 family and medical leave;

14 (E) should have paid leave for all planned
15 and unforeseen school closures, including
16 weather-related closures, professional develop-
17 ment days, and other short-term closures;

18 (F) should have access to meaningful and
19 free or affordable professional growth and de-
20 velopment opportunities during regular paid
21 working hours that provide a path to career ad-
22 vancement;

1 (G) should have sufficient resources and
2 supplies to enable them to do their job effec-
3 tively and efficiently, including up-to-date tech-
4 nology;

5 (H) should have access to training and ap-
6 propriate personal protective equipment;

7 (I) should have representation in organiza-
8 tions that determine policies that may affect the
9 working conditions of paraprofessionals and
10 education support staff;

11 (J) should receive notification and the op-
12 portunity to provide significant input about the
13 implementation of electronic monitoring, data,
14 algorithms, and artificial intelligence technology
15 in the applicable school and should receive high-
16 quality professional development as new tech-
17 nologies are introduced;

18 (K) should have adequate notice and op-
19 portunity to participate, when appropriate, in
20 individualized education program meetings, be-
21 havior intervention team meetings, and other
22 similar meetings relating to the students the
23 paraprofessionals and education support staff
24 support, to the extent permitted by law;

1 (L) should experience a safe and healthy
2 working environment free from recognized haz-
3 ards that cause or are likely to cause death or
4 serious physical harm;

5 (M) should experience appropriate staffing
6 levels to ensure that students have adequate
7 support and that paraprofessionals and edu-
8 cation support staff can complete their jobs ef-
9 fectively, efficiently, and safely;

10 (N) should receive adequate notification re-
11 garding the duration of their employment;

12 (O) should have an employment contract
13 that includes a provision for the automatic re-
14 newal of the contract at the expiration of the
15 contract, rather than the automatic termination
16 of the contract at such expiration, and a provi-
17 sion for termination of employment for just
18 cause, rather than termination of employment
19 at will; and

20 (P) should have a process for reporting
21 workplace issues and concerns to their employer
22 in a manner that protects paraprofessionals and
23 education support staff and other employees
24 from retaliation;

1 (2) in recognition of the importance of collective
2 bargaining in maintaining good working conditions,
3 employers of paraprofessionals and education sup-
4 port staff should—

5 (A) engage in good faith negotiations;

6 (B) strive to reach timely and just con-
7 tracts that fairly compensate and protect para-
8 professionals and education support staff;

9 (C) refrain from replacing paraprofes-
10 sionals or education support staff who engage
11 in a strike; and

12 (D) refrain from locking out such workers;
13 and

14 (3) nothing in this resolving clause should be
15 interpreted to supersede, or as an expression of the
16 Senate’s support for any law that would supersede,
17 employment terms or conditions agreed upon in col-
18 lective bargaining agreements that are more bene-
19 ficial to paraprofessionals and education support
20 staff than those described in this resolving clause.

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