
HOUSE BILL 1323

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Sommers, Brough, Dorn, Thomas, G. Cole, Brumsickle, Karahalios, Vance, G. Fisher, Jones, Roland, Fuhrman, Cothorn, Holm, Eide, Valle, Rust, Pruitt, Jacobsen, Long, Forner, Johanson, Ballasiotes, Foreman, Talcott, Cooke, Wood, Casada, Edmondson, Van Luven, Silver, Carlson, Schoesler, Rayburn and Tate

Read first time 01/22/93. Referred to Committee on Education.

1 AN ACT Relating to English language instruction; amending RCW
2 28A.180.010, 28A.180.020, 28A.180.030, 28A.180.040, 28A.180.050,
3 28A.180.060, 28A.180.080, 28A.150.370, 28A.630.180, 28A.630.830,
4 28A.630.840, and 84.52.0531; and providing expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to
7 read as follows:

8 RCW 28A.180.010 through 28A.180.080 shall be known and cited as
9 "the ((Transitional—Bilingual—Instruction)) English language
10 proficiency act." The legislature finds that there are large numbers
11 of children ((who come from homes where the primary language is other
12 than English.—The legislature finds that a transitional bilingual
13 education program can meet the needs of these children)) whose primary
14 language is other than English and whose English language skills are
15 sufficiently deficient or absent to impair learning. Pursuant to the
16 policy of this state to ((insure)) ensure equal educational opportunity
17 to every child in this state, it is the purpose of RCW 28A.180.010
18 through 28A.180.080 to provide for the implementation of ((transitional
19 bilingual education)) English language proficiency programs in the

1 public schools, and to provide supplemental financial assistance to
2 school districts to meet the extra costs of these programs. It is also
3 the intent of the legislature to encourage the full participation and
4 integration of these children into the public schools as quickly as
5 possible and to provide school districts maximum flexibility in the
6 selection of instructional programs.

7 **Sec. 2.** RCW 28A.180.020 and 1984 c 124 s 8 are each amended to
8 read as follows:

9 The superintendent of public instruction shall review annually the
10 (~~transitional bilingual instruction~~) English language proficiency
11 program and shall submit a report of such review to the legislature on
12 or before January 1 of each year.

13 **Sec. 3.** RCW 28A.180.030 and 1990 c 33 s 164 are each amended to
14 read as follows:

15 As used in RCW 28A.180.010 through 28A.180.080, unless the context
16 thereof indicates to the contrary:

17 (1) (~~"Transitional bilingual instruction" means:~~

18 (a) ~~A system of instruction which uses two languages, one of which~~
19 ~~is English, as a means of instruction to build upon and expand language~~
20 ~~skills to enable the pupil to achieve competency in English. Concepts~~
21 ~~and information are introduced in the primary language and reinforced~~
22 ~~in the second language: PROVIDED, That the program shall include~~
23 ~~testing in the subject matter in English; or~~

24 (b) ~~In those cases in which the use of two languages is not~~
25 ~~practicable as established by the superintendent of public instruction~~
26 ~~and unless otherwise prohibited by law, an alternative system of~~
27 ~~instruction which may include English as a second language and is~~
28 ~~designed to enable the pupil to achieve competency in English.~~

29 (2)) "Primary language" means the language most often used by the
30 student for communication in his/her home.

31 ((3)) (2) "Eligible pupil" means any enrollee of the school
32 district whose primary language is other than English and whose English
33 language skills are sufficiently deficient or absent to impair
34 learning.

35 **Sec. 4.** RCW 28A.180.040 and 1984 c 124 s 3 are each amended to
36 read as follows:

1 Every school district board of directors shall:

2 (1) Make available to each eligible pupil (~~transitional~~
3 ~~bilingual~~) English language proficiency instruction to achieve
4 competency in English, in accord with rules of the superintendent of
5 public instruction. English language proficiency instructional
6 programs may include, but are not limited to, English as a second
7 language, bilingual instruction, accelerated learning, and inclusion
8 models.

9 (2) Wherever feasible, ensure that communications to parents
10 emanating from the schools shall be appropriately bilingual for those
11 parents of pupils in the (~~bilingual~~) English language proficiency
12 instruction program.

13 (3) Determine, by administration of an English test approved by the
14 superintendent of public instruction the number of eligible pupils
15 enrolled in the school district at the beginning of a school year and
16 thereafter during the year as necessary in individual cases. If,
17 however, a preliminary interview indicates little or no English
18 speaking ability, eligibility testing shall not be necessary.

19 (4) Before the conclusion of each school year, measure each
20 eligible pupil's improvement in learning the English language by means
21 of a test approved by the superintendent of public instruction.

22 (5) Provide in-service training for teachers, counselors, and other
23 staff, who are involved in the district's (~~transitional bilingual~~)
24 English language proficiency program. Such training shall include
25 appropriate instructional strategies for children of culturally
26 different backgrounds, use of curriculum materials, and program models.

27 **Sec. 5.** RCW 28A.180.050 and 1984 c 124 s 4 are each amended to
28 read as follows:

29 Every school district board of directors may appoint, maintain, and
30 receive recommendations from an advisory committee which includes
31 parents whose children are in the (~~transitional bilingual~~) English
32 language proficiency instruction program, teachers, and other staff
33 members.

34 **Sec. 6.** RCW 28A.180.060 and 1990 c 33 s 165 are each amended to
35 read as follows:

36 The superintendent of public instruction shall:

1 (1) Promulgate and issue program development guidelines to assist
2 school districts in preparing their programs;

3 (2) Promulgate rules for implementation of RCW 28A.180.010 through
4 28A.180.080 in accordance with chapter 34.05 RCW. The rules shall be
5 designed to maximize the role of school districts in selecting programs
6 appropriate to meet the needs of eligible students. The rules shall
7 identify the process and criteria to be used to determine when a
8 student is no longer eligible for (~~transitional bilingual~~) English
9 language proficiency instruction pursuant to RCW 28A.180.010 through
10 28A.180.080.

11 **Sec. 7.** RCW 28A.180.080 and 1990 c 33 s 167 are each amended to
12 read as follows:

13 The superintendent of public instruction shall prepare and submit
14 biennially to the governor and the legislature a budget request for
15 (~~bilingual~~) English language proficiency instruction programs.
16 Moneys appropriated by the legislature for the purposes of RCW
17 28A.180.010 through 28A.180.080 shall be allocated by the
18 superintendent of public instruction to school districts for the sole
19 purpose of operating an approved (~~bilingual~~) English language
20 proficiency instruction program; priorities for funding shall exist for
21 the early elementary grades. No moneys shall be allocated pursuant to
22 this section to fund more than three school years of (~~bilingual~~)
23 English language proficiency instruction for each eligible pupil within
24 a district: PROVIDED, That such moneys may be allocated to fund more
25 than three school years of (~~bilingual~~) English language proficiency
26 instruction for any pupil who fails to demonstrate improvement in
27 English language skills adequate to remove impairment of learning when
28 taught only in English. The superintendent of public instruction shall
29 set standards and approve a test for the measurement of such English
30 language skills. School districts are hereby empowered to accept
31 grants, gifts, donations, devices and other gratuities from private and
32 public sources to aid in accomplishing the purposes of RCW 28A.180.010
33 through 28A.180.080.

34 **Sec. 8.** RCW 28A.150.370 and 1990 c 33 s 114 are each amended to
35 read as follows:

36 In addition to those state funds provided to school districts for
37 basic education, the legislature shall appropriate funds for pupil

1 transportation, in accordance with RCW 28A.150.100 through
2 ((28A.150.430)) 28A.150.420, 28A.160.150 through 28A.160.220,
3 28A.300.170, and 28A.500.010, and for programs for handicapped
4 students, in accordance with RCW 28A.155.010 through 28A.155.100. The
5 legislature may appropriate funds to be distributed to school districts
6 for population factors such as urban costs, enrollment fluctuations and
7 for special programs, including but not limited to, vocational-
8 technical institutes, compensatory programs, ((bilingual education))
9 English language proficiency programs, urban, rural, racial and
10 disadvantaged programs, programs for gifted students, and other special
11 programs.

12 **Sec. 9.** RCW 28A.630.180 and 1987 c 525 s 109 are each amended to
13 read as follows:

14 The state board of education, where appropriate, or the
15 superintendent of public instruction, where appropriate, is authorized
16 to grant waivers to pilot project districts from the provisions of
17 statutes or administrative rules relating to: The length of the school
18 year; teacher contact hour requirements; program hour offerings;
19 student to teacher ratios; salary lid compliance requirements; the
20 commingling of funds appropriated by the legislature on a categorical
21 basis for such programs as, but not limited to, highly capable
22 students, ((transitional bilingual)) English language proficiency
23 instruction, and learning assistance; and other administrative rules
24 which in the opinion of the state board of education or the opinion of
25 the superintendent of public instruction may need to be waived in order
26 to implement a pilot project proposal.

27 **Sec. 10.** RCW 28A.630.830 and 1991 c 265 s 3 are each amended to
28 read as follows:

29 (1) The selection advisory committee is created. The committee
30 shall be composed of up to three members from the house of
31 representatives, up to three members from the senate, up to two members
32 from the office of the superintendent of public instruction, and one
33 member from each of the following: The office of financial management,
34 Washington state special education coalition, ((transitional
35 bilingual)) English language proficiency instruction educators, and
36 Washington education association.

1 (2) The legislative budget committee and the superintendent of
2 public instruction shall provide staff for the selection advisory
3 committee.

4 (3) The selection advisory committee shall:

5 (a) Develop appropriate criteria for selecting demonstration
6 projects;

7 (b) Issue requests for proposals in accordance with RCW 28A.630.820
8 through 28A.630.840 for demonstration projects to commence during the
9 1991-92 and 1992-93 school years;

10 (c) Review proposals and recommend demonstration projects for
11 approval by the superintendent of public instruction;

12 (d) Advise the superintendent of public instruction on the
13 evaluation design; and

14 (e) Report each year by December 1st on the status of the
15 demonstration projects to the legislative budget committee and the
16 appropriate policy and fiscal committees of the house of
17 representatives and the senate.

18 **Sec. 11.** RCW 28A.630.840 and 1992 c 180 s 2 are each amended to
19 read as follows:

20 (1) Project funding may include state, federal, and local funds, as
21 specified by the district in its approved project proposal.

22 (2) As a general guideline, subject to refinements in the district
23 proposal and approval by the superintendent of public instruction, the
24 portion of state handicapped funding included as project funding shall
25 be determined as follows:

26 (a) If the district serves specific learning disabled students in
27 the project, the portion of the handicapped allocation attributed to
28 specific learning disabled students shall be included, with
29 proportional adjustments if the project serves only part of the
30 district's specific learning disabled population;

31 (b) If other handicapped students are served in the project, the
32 portions of the handicapped allocation attributed to those students
33 shall be included, with proportional adjustments if the project serves
34 only part of the district's population in those categories of
35 handicapped students.

36 (3) State handicapped allocations shall be calculated for project
37 districts according to the handicapped funding formula in use for other

1 districts, except for the provisions of RCW 28A.630.845 and with the
2 following changes:

3 (a) Project funding for school districts that had pilot projects
4 approved under section 13, chapter 233, Laws of 1989, and that were
5 participating in projects under this section on January 31, 1992, shall
6 be based for the duration of a project under RCW 28A.630.820 through
7 28A.630.840 on four percent of the kindergarten through twelfth grade
8 enrollment considered as specific learning disabled, without regard to
9 the actual number of students so identified. The legislature
10 recognizes the importance of continuing and developing the pilot
11 projects.

12 (b) School districts with approved projects as of January 31, 1992,
13 may receive funding in each school year for handicapped students served
14 in the project based on the average percentage of the kindergarten
15 through twelfth grade enrollment in the particular handicapped category
16 during the prior three years. School districts that wish to exercise
17 this option shall notify the selection advisory committee and the
18 superintendent of public instruction by May 1, 1992.

19 (c) The funding percentages for demonstration projects specified in
20 (a) of this subsection shall be used to adjust basic education
21 allocations under RCW 28A.150.260 and learning assistance program
22 allocations under RCW 28A.165.070.

23 (d) State handicapped allocations under subsection (2) of this
24 section up to the level required by federal maintenance of effort rules
25 shall be expended for services to handicapped students in the project.
26 Allocations greater than the amount needed to comply with federal
27 maintenance of effort rules may at the option of the district be
28 designated as noncategorical project funds and may be expended on
29 services to any student served in the project.

30 (4) Federal handicapped allocations may be designated in whole or
31 in part for project use.

32 (5) Learning assistance program allocations may be designated in
33 whole or in part for project use. These allocations shall be
34 calculated for project districts according to the funding formula in
35 use for other districts, except that any increases in the district
36 allocation above the fiscal year 1991 amount shall be designated as
37 noncategorical project funds and may be expended on services to any
38 student served in the project.

1 (6) (~~Transitional bilingual~~) English language proficiency program
2 allocations may be designated in whole or in part for project use.
3 These allocations shall be calculated for project districts according
4 to the funding formula in use for other districts, except that any
5 increases in the district allocation above the fiscal year 1991 amount
6 shall be designated as noncategorical project funds and may be expended
7 on services to any student served in the project.

8 (7) Funding under the federal remediation program allocations may
9 be designated in whole or in part for project use.

10 (8) Funding from local sources may be designated for project use.

11 (9) Expenditures of noncategorical project funds under subsections
12 (3)(d), (5), and (6) of this section shall be accounted for in new and
13 discrete program or subprogram codes designated by the superintendent
14 of public instruction. The codes shall take effect by September 1,
15 1991.

16 **Sec. 12.** RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read
17 as follows:

18 The maximum dollar amount which may be levied by or for any school
19 district for maintenance and operation support under the provisions of
20 RCW 84.52.053 shall be determined as follows:

21 (1) For excess levies for collection in calendar year 1992, the
22 maximum dollar amount shall be calculated pursuant to the laws and
23 rules in effect in November 1991.

24 (2) For the purpose of this section, the basic education allocation
25 shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and
26 28A.150.350: PROVIDED, That when determining the basic education
27 allocation under subsection (4) of this section, nonresident full time
28 equivalent pupils who are participating in a program provided for in
29 chapter 28A.545 RCW or in any other program pursuant to an
30 interdistrict agreement shall be included in the enrollment of the
31 resident district and excluded from the enrollment of the serving
32 district.

33 (3) For excess levies for collection in calendar year 1993 and
34 thereafter, the maximum dollar amount shall be the sum of (a) and (b)
35 of this subsection minus (c) of this subsection:

36 (a) The district's levy base as defined in subsection (4) of this
37 section multiplied by the district's maximum levy percentage as defined
38 in subsection (5) of this section;

1 (b) In the case of nonhigh school districts only, an amount equal
2 to the total estimated amount due by the nonhigh school district to
3 high school districts pursuant to chapter 28A.545 RCW for the school
4 year during which collection of the levy is to commence, less the
5 increase in the nonhigh school district's basic education allocation as
6 computed pursuant to subsection (1) of this section due to the
7 inclusion of pupils participating in a program provided for in chapter
8 28A.545 RCW in such computation;

9 (c) The maximum amount of state matching funds under RCW
10 28A.500.010 for which the district is eligible in that tax collection
11 year.

12 (4) For excess levies for collection in calendar year 1993 and
13 thereafter, a district's levy base shall be the sum of allocations in
14 (a) through (c) of this subsection received by the district for the
15 prior school year, including allocations for compensation increases,
16 plus the sum of such allocations multiplied by the percent increase per
17 full time equivalent student as stated in the state basic education
18 appropriation section of the biennial budget between the prior school
19 year and the current school year and divided by fifty-five percent. A
20 district's levy base shall not include local school district property
21 tax levies or other local revenues, or state and federal allocations
22 not identified in (a) through (c) of this subsection.

23 (a) The district's basic education allocation as determined
24 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

25 (b) State and federal categorical allocations for the following
26 programs:

27 (i) Pupil transportation;

28 (ii) Handicapped education;

29 (iii) Education of highly capable students;

30 (iv) Compensatory education, including but not limited to learning
31 assistance, migrant education, Indian education, refugee programs, and
32 (~~bilingual education~~) English language proficiency programs;

33 (v) Food services; and

34 (vi) State-wide block grant programs; and

35 (c) Any other federal allocations for elementary and secondary
36 school programs, including direct grants, other than federal impact aid
37 funds and allocations in lieu of taxes.

1 (5) For excess levies for collection in calendar year 1993 and
2 thereafter, a district's maximum levy percentage shall be determined as
3 follows:

4 (a) Multiply the district's maximum levy percentage for the prior
5 year by the district's levy base as determined in subsection (4) of
6 this section;

7 (b) Reduce the amount in (a) of this subsection by the total
8 estimated amount of any levy reduction funds as defined in subsection
9 (6) of this section which are to be allocated to the district for the
10 current school year;

11 (c) Divide the amount in (b) of this subsection by the district's
12 levy base to compute a new percentage; and

13 (d) The percentage in (c) of this subsection or twenty percent,
14 whichever is greater, shall be the district's maximum levy percentage
15 for levies collected in that calendar year.

16 (6) "Levy reduction funds" shall mean increases in state funds from
17 the prior school year for programs included under subsection (4) of
18 this section: (a) That are not attributable to enrollment changes,
19 compensation increases, or inflationary adjustments; and (b) that are
20 or were specifically identified as levy reduction funds in the
21 appropriations act. If levy reduction funds are dependent on formula
22 factors which would not be finalized until after the start of the
23 current school year, the superintendent of public instruction shall
24 estimate the total amount of levy reduction funds by using prior school
25 year data in place of current school year data. Levy reduction funds
26 shall not include moneys received by school districts from cities or
27 counties.

28 (7) For the purposes of this section, "prior school year" shall
29 mean the most recent school year completed prior to the year in which
30 the levies are to be collected.

31 (8) For the purposes of this section, "current school year" shall
32 mean the year immediately following the prior school year.

33 (9) The superintendent of public instruction shall develop rules
34 and regulations and inform school districts of the pertinent data
35 necessary to carry out the provisions of this section.

1 NEW SECTION. **Sec. 13.** (1) Section 9 of this act shall expire June
2 30, 1994.
3 (2) Sections 10 and 11 of this act shall expire January 1, 1996.

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