
HOUSE BILL 1335

State of Washington

56th Legislature

1999 Regular Session

By Representative Dunn

Read first time . Referred to Committee on .

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

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 such that the child will have significant difficulties meeting the
16 state learning goals established in RCW 28A.150.210. Pursuant to the
17 policy of this state to ((insure)) ensure equal educational opportunity
18 to every child in this state, it is the purpose of RCW 28A.180.010
19 through 28A.180.080 to provide for the implementation of ((transitional

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

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

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

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

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

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

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

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

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

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

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

3 Every school district board of directors shall:

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

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

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

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

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

29 **Sec. 5.** RCW 28A.180.060 and 1990 c 33 s 165 are each amended to
30 read as follows:

31 The superintendent of public instruction shall:

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

34 (2) Promulgate rules for implementation of RCW 28A.180.010 through
35 28A.180.080 in accordance with chapter 34.05 RCW. The rules shall be
36 designed to maximize the role of school districts in selecting programs
37 appropriate to meet the needs of eligible students. The rules shall
38 identify the process and criteria to be used to determine when a

1 student is no longer eligible for (~~transitional bilingual~~) English
2 language proficiency instruction pursuant to RCW 28A.180.010 through
3 28A.180.080.

4 **Sec. 6.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to
5 read as follows:

6 The superintendent of public instruction shall prepare and submit
7 biennially to the governor and the legislature a budget request for
8 (~~bilingual~~) English language proficiency instruction programs.
9 Moneys appropriated by the legislature for the purposes of RCW
10 28A.180.010 through 28A.180.080 shall be allocated by the
11 superintendent of public instruction to school districts for the sole
12 purpose of operating an approved (~~bilingual~~) English language
13 proficiency instruction program; priorities for funding shall exist for
14 the early elementary grades. No moneys shall be allocated pursuant to
15 this section to fund more than three school years of (~~bilingual~~)
16 English language proficiency instruction for each eligible pupil within
17 a district: PROVIDED, That such moneys may be allocated to fund more
18 than three school years of (~~bilingual~~) English language proficiency
19 instruction for any pupil who fails to demonstrate improvement in
20 English language skills adequate to remove impairment of learning when
21 taught only in English. The superintendent of public instruction shall
22 set standards and approve a test for the measurement of such English
23 language skills.

24 **Sec. 7.** RCW 28A.150.370 and 1995 c 335 s 102 and 1995 c 77 s 5 are
25 each reenacted and amended to read as follows:

26 In addition to those state funds provided to school districts for
27 basic education, the legislature shall appropriate funds for pupil
28 transportation, in accordance with this chapter, RCW 28A.160.150
29 through 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010, and for
30 special education programs for students with disabilities, in
31 accordance with RCW 28A.155.010 through 28A.155.100. The legislature
32 may appropriate funds to be distributed to school districts for
33 population factors such as urban costs, enrollment fluctuations and for
34 special programs, including but not limited to, vocational-technical
35 institutes, compensatory programs, (~~bilingual education~~) English
36 language proficiency programs, urban, rural, racial and disadvantaged
37 programs, programs for gifted students, and other special programs.

1 **Sec. 8.** RCW 28A.630.830 and 1996 c 288 s 26 are each amended to
2 read as follows:

3 (1) The selection advisory committee is created. The committee
4 shall be composed of up to three members from the house of
5 representatives, up to three members from the senate, up to two members
6 from the office of the superintendent of public instruction, and one
7 member from each of the following: The office of financial management,
8 Washington state special education coalition, (~~transitional~~
9 ~~bilingual~~) English language proficiency instruction educators, and
10 Washington education association.

11 (2) The joint legislative audit and review committee and the
12 superintendent of public instruction shall provide staff for the
13 selection advisory committee.

14 (3) The selection advisory committee shall:

15 (a) Develop appropriate criteria for selecting demonstration
16 projects;

17 (b) Issue requests for proposals in accordance with RCW 28A.630.820
18 through 28A.630.845 for demonstration projects;

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

21 (d) Advise the superintendent of public instruction on the
22 evaluation design.

23 **Sec. 9.** RCW 28A.630.840 and 1995 c 77 s 29 are each amended to
24 read as follows:

25 (1) Funding used in demonstration projects may include state,
26 federal, and local funds, as determined by the district.

27 (2) State special education allocations shall be calculated for
28 districts with demonstration projects according to the special
29 education funding formula in use for other districts, except for the
30 provisions of RCW 28A.630.845 and with the following changes:

31 (a) Funding for school districts that had pilot projects approved
32 under section 13, chapter 233, Laws of 1989, and that were
33 participating in projects under this section on January 31, 1992, shall
34 be based for the duration of a project on four percent of the
35 kindergarten through twelfth grade enrollment considered as specific
36 learning disabled, without regard to the actual number of students so
37 identified. The legislature recognizes the importance of continuing
38 and developing the pilot projects.

1 (b) The funding percentages for districts with demonstration
2 projects specified in (a) of this subsection and in RCW 28A.630.845
3 shall be used to adjust basic education allocations under RCW
4 28A.150.260 and learning assistance program allocations under RCW
5 28A.165.070.

6 (c) State special education allocations up to the level required by
7 federal maintenance of effort rules shall be expended for special
8 education services to students with disabilities. Allocations greater
9 than the amount needed to comply with federal maintenance of effort
10 rules may at the option of the district be designated as noncategorical
11 project funds and may be expended on services to any student served in
12 the project.

13 (3) Learning assistance program allocations shall be calculated for
14 districts with demonstration projects according to the funding formula
15 in use for other districts, except that any increases in the district
16 allocation above the fiscal year 1991 amount shall be designated as
17 noncategorical project funds and may be expended on services to any
18 student served in the project.

19 (4) (~~Transitional bilingual~~) English language proficiency program
20 allocations shall be calculated for districts with demonstration
21 projects according to the funding formula in use for other districts,
22 except that any increases in the district allocation above the fiscal
23 year 1991 amount shall be designated as noncategorical project funds
24 and may be expended on services to any student served in the project.

25 (5) Expenditures of noncategorical project funds under subsections
26 (2)(c), (3), and (4) of this section shall be accounted for in new and
27 discrete program or subprogram codes designated by the superintendent
28 of public instruction. The codes shall take effect by September 1,
29 1991.

30 **Sec. 10.** RCW 84.52.0531 and 1997 c 259 s 2 are each amended to
31 read as follows:

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

35 (1) For excess levies for collection in calendar year 1997, the
36 maximum dollar amount shall be calculated pursuant to the laws and
37 rules in effect in November 1996.

1 (2) For excess levies for collection in calendar year 1998 and
2 thereafter, the maximum dollar amount shall be the sum of (a) plus or
3 minus (b) and (c) of this subsection minus (d) of this subsection:

4 (a) The district's levy base as defined in subsection (3) of this
5 section multiplied by the district's maximum levy percentage as defined
6 in subsection (4) of this section;

7 (b) For districts in a high/nonhigh relationship, the high school
8 district's maximum levy amount shall be reduced and the nonhigh school
9 district's maximum levy amount shall be increased by an amount equal to
10 the estimated amount of the nonhigh payment due to the high school
11 district under RCW 28A.545.030(3) and 28A.545.050 for the school year
12 commencing the year of the levy;

13 (c) For districts in an interdistrict cooperative agreement, the
14 nonresident school district's maximum levy amount shall be reduced and
15 the resident school district's maximum levy amount shall be increased
16 by an amount equal to the per pupil basic education allocation included
17 in the nonresident district's levy base under subsection (3) of this
18 section multiplied by:

19 (i) The number of full-time equivalent students served from the
20 resident district in the prior school year; multiplied by:

21 (ii) The serving district's maximum levy percentage determined
22 under subsection (4) of this section; increased by:

23 (iii) The percent increase per full-time equivalent student as
24 stated in the state basic education appropriation section of the
25 biennial budget between the prior school year and the current school
26 year divided by fifty-five percent;

27 (d) The district's maximum levy amount shall be reduced by the
28 maximum amount of state matching funds for which the district is
29 eligible under RCW 28A.500.010.

30 (3) For excess levies for collection in calendar year 1998 and
31 thereafter, a district's levy base shall be the sum of allocations in
32 (a) through (c) of this subsection received by the district for the
33 prior school year, including allocations for compensation increases,
34 plus the sum of such allocations multiplied by the percent increase per
35 full time equivalent student as stated in the state basic education
36 appropriation section of the biennial budget between the prior school
37 year and the current school year and divided by fifty-five percent. A
38 district's levy base shall not include local school district property

1 tax levies or other local revenues, or state and federal allocations
2 not identified in (a) through (c) of this subsection.

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

5 (b) State and federal categorical allocations for the following
6 programs:

7 (i) Pupil transportation;

8 (ii) Special education;

9 (iii) Education of highly capable students;

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

13 (v) Food services; and

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

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

18 (4) A district's maximum levy percentage shall be twenty-two
19 percent in 1998 and twenty-four percent in 1999 and every year
20 thereafter; plus, for qualifying districts, the grandfathered
21 percentage determined as follows:

22 (a) For 1997, the difference between the district's 1993 maximum
23 levy percentage and twenty percent; and

24 (b) For 1998 and thereafter, the percentage calculated as follows:

25 (i) Multiply the grandfathered percentage for the prior year times
26 the district's levy base determined under subsection (3) of this
27 section;

28 (ii) Reduce the result of (b)(i) of this subsection by any levy
29 reduction funds as defined in subsection (5) of this section that are
30 to be allocated to the district for the current school year;

31 (iii) Divide the result of (b)(ii) of this subsection by the
32 district's levy base; and

33 (iv) Take the greater of zero or the percentage calculated in
34 (b)(iii) of this subsection.

35 (5) "Levy reduction funds" shall mean increases in state funds from
36 the prior school year for programs included under subsection (3) of
37 this section: (a) That are not attributable to enrollment changes,
38 compensation increases, or inflationary adjustments; and (b) that are
39 or were specifically identified as levy reduction funds in the

1 appropriations act. If levy reduction funds are dependent on formula
2 factors which would not be finalized until after the start of the
3 current school year, the superintendent of public instruction shall
4 estimate the total amount of levy reduction funds by using prior school
5 year data in place of current school year data. Levy reduction funds
6 shall not include moneys received by school districts from cities or
7 counties.

8 (6) For the purposes of this section, "prior school year" means the
9 most recent school year completed prior to the year in which the levies
10 are to be collected.

11 (7) For the purposes of this section, "current school year" means
12 the year immediately following the prior school year.

13 (8) Funds collected from transportation vehicle fund tax levies
14 shall not be subject to the levy limitations in this section.

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

18 NEW SECTION. **Sec. 11.** Sections 8 and 9 of this act expire
19 September 1, 2001.

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