

# HOUSE BILL REPORT

## HB 2025

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### As Reported by House Committee On:

Education

**Title:** An act relating to students whose primary language is other than English.

**Brief Description:** Changing transitional bilingual instruction program provisions.

**Sponsors:** Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney.

### Brief History:

#### Committee Activity:

Education: 2/22/01, 2/26/01 [DPS].

#### Brief Summary of Substitute Bill

- Directs the Superintendent of Public Instruction (SPI) to create a system that, over time, keeps track of the academic and English language achievement progress of immigrant students whose first language is not English.
- Requires SPI to exclude from a school's Washington Assessment of Student Learning (WASL) results the scores of non-English speaking immigrant children who have not been in the country for at least three years.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox, Ericksen, Keiser, McDermott, Pearson, Rockefeller, Santos, Schindler, D. Schmidt and Schual-Berke.

**Staff:** Susan Morrissey (786-7111).

### Background:

Through the Transitional Bilingual Program (also called the LEP program), the state funds assistance for students whose primary language is not English. The funding is

intended for students with the greatest need, therefore many but not all students whose primary language is other than English are permitted to obtain program services. During the 1999-00 school year, about 66,281 students (6.7 percent of total enrollment) were served through the program. During the last two school years, school districts received about \$693.13 for each eligible student. Students in the program spoke about 159 different languages. However, Spanish is the first language of 62 percent of the students, and 85 percent of the students speak Spanish or one of six other languages. About half of the students served through the program are found in kindergarten through third grade.

The program is intended to provide temporary services for up to three years until limited English proficient (LEP) students have developed a specified level of skill in the English language. About 28 percent of LEP students stay in the program for more than three years, and about 12 percent stay more than five years. While many factors can affect the length of a student's stay in the program, students who are served in special education or migrant programs and students with lower levels of previous education and English-speaking ability average more time in the program. In addition, students who speak certain languages tend to stay in the program longer.

With some exceptions, all fourth, seventh, and 10th grade students take the WASL. LEP students who have been in the country for at least one year are required to take the assessment. Assessment results for those students are included with the result of all other students when evaluating how well students in each school and school district are performing on the state's essential academic learning requirements.

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### **Summary of Substitute Bill:**

The SPI will review the criteria used to determine the point at which limited English proficient students will be required to take the WASL. The review will be used to evaluate if the criteria are developmentally appropriate for students. During the review, the SPI will consult with parents, educators, classroom aides, experts in second-language instruction, and statewide ethnic organizations that represent second-language learners. By November 1, the SPI will report the results of its review to the legislative education and fiscal committees.

Beginning with the 2001 testing cycle, the results of the WASL for LEP students who have been in the United States for less than three years will not be included in a school's WASL results. The results may be used to follow the academic progress of LEP students.

The SPI will develop and implement an evaluation system designed to measure increases in the academic and English proficiency of LEP students. The system will require school districts to assess potential LEP students within 10 days of school registration. The districts will use assessment instruments approved by the SPI, and will report the results

of the assessments to the SPI. School districts will also annually assess LEP students at the end of each school year using assessment instruments approved by the SPI. The results of the annual assessments will also be provided to the SPI. Finally, the SPI will develop and implement a system to evaluate the progress of LEP students in achieving academic and English language skills. The purpose of the system is to help schools, school districts, parents and the state evaluate the effectiveness of transitional bilingual programs.

By November 1, 2002, the SPI will report to the legislative education and fiscal committees on the implementation of the assessment system.

An emergency clause is attached.

**Substitute Bill Compared to Original Bill:**

The requirement that the scores of LEP students who have been in this country for less than three years be excluded from their school's results will begin with the 2001 testing cycle. An emergency clause is attached.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 21, 2001.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The WASL is an important evaluation tool that schools can use to determine how well they are doing at raising student achievement. But, its use can also have unintended consequences, a circumstance that is occurring with LEP students. The LEP students who have been in the country for one year are required to take the WASL whether or not the students are proficient in English. The assessment, even the mathematics assessment, relies heavily on a child's ability to understand and communicate in English. It is not a true test of what an LEP child knows and can do since it is not available in any language other than English. Many LEP children are capable students and high achievers, but the WASL leaves them frustrated and demoralized since they cannot understand some of the questions and have a hard time demonstrating their knowledge of the subjects tested. This legislation helps to resolve one of the critical issues facing the test and the whole accountability system. It creates fairness for immigrant children and the schools that educate those children. It uses the WASL as a tool to see how well individual students will do over time.

**Testimony Against:** None.

**Testified:** (In support) Representative Santos, prime sponsor; Bob Butts, Office of the Superintendent of Public Instruction; Rainer Houser, Association of Washington School Principals; and Onofre Contreras, Washington State Commission on Hispanic Affairs.