

# HOUSE BILL REPORT

## 2SHB 2025

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### As Passed Legislature

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

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

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney).

### Brief History:

#### Committee Activity:

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

Appropriations: 3/8/01 [DP2S(w/o sub ED)].

#### Floor Activity:

Passed House: 3/12/01, 98-0.

Senate Amended.

Passed Senate: 4/11/01, 36-11.

House Refused to Concur.

Senate Insisted on Position.

#### First Special Session

#### Floor Activity:

Passed House - Amended: 5/21/01, 92-0.

Passed Senate - Amended: 5/23/01, 40-1.

House Concurred.

Passed House: 5/24/01, 95-0.

Passed Legislature.

### Brief Summary of Second Substitute Bill

- Directs the Superintendent of Public Instruction (SPI) to develop and report on an evaluation system designed to measure increases in the academic and English proficiency of students who are not proficient in English.
- Requires SPI to review and report on the criteria now used and the criteria that could be used to determine when students with limited English proficiency are required to take the Washington Assessment of Student Learning (WASL).

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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).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 31 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Schual-Berke, Talcott and Tokuda.

**Staff:** Denise Graham (786-7137).

### **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. The 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.

**Summary:**

The SPI will review the criteria currently 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. The agency will also review criteria that could be used to make the determination. 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 December 1, 2001, the SPI will report the results of its review to the legislative education and fiscal committees.

The SPI will develop 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 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 development of the evaluation system. The report will include a timeline for the full implementation of the system. The Legislature must approve and provide funding for the system before it can be implemented.

Current law is modified to require the testing of all LEP students.

The bill is null and void unless funded in the budget.

**Appropriation:** None.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed. The bill is null and void unless funded in the budget.

**Testimony For:** (Education) 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 For:** (Appropriations) This bill attempts to recognize that some students don't have the English skills to demonstrate their academic proficiency. The bill would also mean that our schools are not punished for the low scores of bilingual students. The assessment information that the state would provide to districts would allow them to develop effective transitional bilingual programs. The cost of the bill is almost a wash; although OSPI would have increased costs, the amounts allocated to school districts for transitional bilingual education could be decreased because the state would be taking on functions currently paid for by the districts. Reducing bilingual funding could have federal implications and the state should not lower the transitional bilingual program allocations to school districts to pay for this bill.

**Testimony Against:** (Education) None.

**Testimony Against:** (Appropriations) None.

**Testified:** (Education) (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.

**Testified:** (Appropriations) Representative Santos, co-prime sponsor; Representative Talcott, co-prime sponsor; Karen Davis, Washington Education Association; and Richard Gomez, Office of the Superintendent of Public Instruction.