

HOUSE BILL REPORT

HB 2590

As Reported by House Committee On:
Education

Title: An act relating to the transitional bilingual instruction program.

Brief Description: Regarding the transitional bilingual instruction program.

Sponsors: Representatives Ortiz-Self, Harris, Kilduff, Stonier, Lovick, Gregerson, McBride, Fitzgibbon, Peterson, Valdez, Stanford, Doglio and Macri.

Brief History:

Committee Activity:

Education: 1/23/18, 1/30/18 [DPS].

Brief Summary of Substitute Bill

- Requires the Office of the Superintendent of Public Instruction and the Professional Educator Standards Board to compile specific information related to staffing the Transitional Bilingual Instruction Program, and report it to the Legislature, by December 15, 2018.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Johnson, Lovick, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

Minority Report: Without recommendation. Signed by 2 members: Representatives Hargrove and McCaslin.

Staff: Megan Wargacki (786-7194).

Background:

Transitional Bilingual Instruction Program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

English learners in Washington receive supplemental instruction through the Transitional Bilingual Instruction Program (TBIP), which is the part of the state's program of basic education. At the beginning of each school year, school districts must determine the number of enrolled students eligible for the TBIP. Students are eligible for the TBIP if: (1) their primary language is not English; and (2) their English language skills are sufficiently deficient or absent to impair learning. Before the end of each school year, districts must measure each eligible student's improvement in learning English. In addition, districts must provide up to two years of additional instructional support to exited students (those who have achieved English proficiency for purposes of the TBIP) who need assistance in reaching grade-level performance in academic subjects.

Except where it is not practicable, the TBIP provides instruction in two languages so that students can achieve competency in English. In general, concepts and information are introduced in a student's primary language and reinforced in English. A student's primary language is the language most often used for communication in his or her home.

Bilingual Education and English Language Learner Teachers.

The Professional Educator Standards Board (PESB) establishes the policies and requirements for the preparation and certification of teachers, including the approval of endorsements. An endorsement is the subject area in which a certificated teacher is authorized to teach, along with designated grade levels for that area. There are approximately 40 endorsements in Washington, not including a large number of career and technical education endorsements. In addition to subjects such as math, science, English, and history, there are approved endorsements in bilingual education and English language learner (ELL), both for all grade levels. In the 2015-16 school year, the PESB-approved teacher preparation programs produced 12 teachers with a bilingual education endorsement and 306 with an ELL endorsement.

Beginning in the 2019-20 school year, classroom teachers in the TBIP must have a teacher certificate with an endorsement in bilingual education or ELL, or both.

English Language Learner Paraeducators.

A paraeducator is a classified employee who works under the supervision of a certificated staff member to support and assist in providing instructional and other services to students and their families. Paraeducators are not considered certificated instructional staff. Beginning September 1, 2018, paraeducators may earn a subject matter certificate in ELL by completing 20 hours of professional development in the subject area of the certificate and any other requirements adopted by the Paraeducator Board. The subject matter certificate expires after five years.

Summary of Substitute Bill:

The Office of the Superintendent of Public Instruction (OSPI) and the PESB must work together to compile the following information related to staffing the TBIP and report it to the Legislature, by December 15, 2018. The public schools, the community and technical

colleges, and the PESB-approved teacher preparation programs must cooperate with the OSPI and the PESB to collect and submit the required data.

The following TBIP data from the 2017-18 school year must be collected at the school level, and reported as ratios of staff to students, where applicable:

- the number of eligible pupils;
- the number of full-time equivalent classroom teachers with and without an endorsement in bilingual education or ELL, or both;
- the number of full-time equivalent paraeducators;
- the number of paraeducators who have received training or professional development related to English learners;
- the number of classroom teacher applicants with an endorsement in bilingual education or ELL, or both;
- the number of vacant full-time equivalent positions for classroom teachers with an endorsement in bilingual education or ELL, or both;
- the number of vacant full-time equivalent paraeducator positions for English learner paraeducators; and
- the barriers to hiring classroom teachers with an endorsement in bilingual education or ELL, or both.

The following 2017-18 academic year data about the preparation of classroom teachers and paraeducators with specialties in bilingual education or ELL, or both, must be collected from each community and technical college, and each PESB-approved teacher preparation program:

- the number of students in the pipeline to become English learner paraeducators by the 2019-20 school year;
- the number of students in the pipeline to become classroom teachers with an endorsement in bilingual education or ELL, or both, by the 2019-20 school year; and
- if a college or program does not have any students in either pipeline, the barriers to developing a pipeline for preparation of classroom teachers or paraeducators with specialties in bilingual education or ELL, or both.

Substitute Bill Compared to Original Bill:

The substitute bill removes provisions requiring: school districts to comply with specific TBIP staffing requirements, beginning in the 2019-20 school year; the Superintendent of Public Instruction (SPI) to monitor district TBIPs at least once every five years by reviewing specified components; and the SPI to establish a compliance timetable, rules, and guidelines for enforcement of the TBIP, and submit this information to the Legislature by January 1, 2019. Instead, the substitute bill requires the OSPI and the PESB to work together to compile information related to staffing the TBIP and report it to the Legislature, by December 15, 2018.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 31, 2018.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill will resolve the issue that the most vulnerable students, English learners, are taught by the least qualified staff. English learners need the best teachers, not non-certified teachers, or paraeducators, who often do not have English learner training. Often there is not even a certified teacher around when a paraeducator is working with one or more students. In contrast, some districts have eliminated paraeducator instruction in their TBIP programs. This bill allows flexibility while requiring accountability. It provides a waiver if the district cannot meet the requirement to limit the use of paraeducators. There is going to be an amendment that increases flexibility even more by allowing three paraeducators per classroom teacher in the TBIP, under a waiver. It is important to meet the needs of both urban and rural districts.

The bill aligns with federal civil rights laws and Title III of the Elementary and Secondary Education Act and responds to the recommendations of the Educational Opportunity Gap Oversight and Accountability Committee and the TBIP Task Force. Based on current data, the TBIP funds provide one teacher for every 195 eligible students. This bill invests more TBIP funds into teachers with specialized training to support English learners. It limits the overreliance on paraeducators as instructors in the TBIP. It takes into account the teacher shortage and allows districts the flexibility to use paraeducators as an interim measure until a qualified teacher is retained.

(Opposed) None.

(Other) About 63 percent of the hours of instruction to English learners is provided by paraeducators, and about 62 percent of the hours of instruction provided to special education students is provided by paraeducators. The students in a TBIP deserve a high quality educator. However, paraeducators should be just like paramedics and paralegals, that is, respected for the role they play and supported along the way. The state and school districts must invest in paraeducators. If paraeducators are considered one of the three most important members of the instructional team and treated that way, then the kids will benefit.

By 2019, all school districts must hire teachers endorsed in bilingual or English language learner if the teachers are working with students funded by the TBIP. Districts must have a plan to meet this requirement by the deadline. Inadvertently, the staffing requirements in this bill might tie the districts' hands around where paraeducators can be used in schools. Some paraeducators are assigned to a student, not to a program. It is important for school districts to be making a plan for how they will find bilingual teachers by 2019, or at least fill the pipeline for bilingual teachers. It would be good for the OSPI to monitor the TBIP and provide assistance to school districts.

Persons Testifying: (In support) Representative Ortiz-Self, prime sponsor; and Patty Finnegan, Office of the Superintendent of Public Instruction.

(Other) Doug Nelson, Public School Employees and Service Employees International Union 1948; and Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.