

# SENATE BILL REPORT

## SB 5489

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 16, 2017

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

**Brief Description:** Aligning definitions relating to the transitional bilingual instruction program.

**Sponsors:** Senators Zeiger, Rolfes and Chase; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/14/17, 2/16/17 [DP-WM, w/oRec].

**Brief Summary of Bill**

- Expands the definition of eligible student and changes the term primary language to native language for the purposes of the Transitional Bilingual Instruction Program (TBIP).

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Rivers and Warnick.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Mullet.

**Staff:** Susan Mielke (786-7422)

**Background:** Under current state law, funding is provided to school districts for the Transitional Bilingual Instructional Program (TBIP). The TBIP provides instruction using two languages, one that is English and one that is not English but is a language the student understands. The non-English language is a bridge that can be used while the student's English skills are being learned. When the use of two languages is not practicable, a school

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district may use an alternative system of instruction to enable the student to achieve competency in English.

A student is eligible to participate in the TBIP if the student's primary language is other than English and the student's English skills are sufficiently lacking or absent as to delay learning. The student's primary language is currently defined as the language most often used by a student for communication in their home.

Federal law defines English language learners or students with limited English proficiency as a student:

- between the ages of 3 and 21;
- enrolled or preparing to enroll in an elementary school or secondary school;
- not born in the United States or whose native language is a language other than English; or is a Native American or Alaska Native, or a native resident of the outlying areas; and
  - a. comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
  - b. is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
  - a. the ability to meet the state's proficient level of achievement on state assessments;
  - b. the ability to successfully achieve in classrooms where the language of instruction is English; or
  - c. the opportunity to participate fully in society.

**Summary of Bill:** For the purposes of the TBIP, the definition of eligible student is expanded and a definition is changed from primary language to native language.

The definition of eligible student is expanded to include a student who meets the following criteria:

- was not born in the United States or whose native language is a language other than English; or is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency; or is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
  - a. the ability to meet or exceed the state academic standards as measured by the statewide student assessment used for state or federal accountability purposes;
  - b. the ability to successfully achieve in classrooms where the language of instruction is English; or
  - c. the opportunity to participate fully in society.

The term primary language is changed to native language. Native language means the language normally used by the student or in the case of a child or youth the language normally used by the parents of the child or youth.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This is request legislation from the Superintendent of Public Instruction. The current definition of an English language learner for the TBIP does not comply with federal law and does not align with the federal definition under Title III of ESEA. A student's ability to transition from the school language of English to a different language spoken at home may slow the student's ability to learn English. That is why a key component of this bill is that a student can be eligible for English language learning services based on the language used in the student's home regardless of the language used by the student.

**Persons Testifying:** PRO: Senator Hans Zeiger, Prime Sponsor; Mea Moore, OSPI.

**Persons Signed In To Testify But Not Testifying:** No one.