

HOUSE BILL REPORT

HB 1425

As Reported by House Committee On:
Education

Title: An act relating to the definition of eligible pupil for purposes of the transitional bilingual instruction program.

Brief Description: Concerning the definition of eligible pupil for purposes of the transitional bilingual instruction program.

Sponsors: Representatives Lekanoff, Valdez, Paul, Gregerson, Doglio, Jinkins and Ortiz-Self; by request of Superintendent of Public Instruction.

Brief History:

Committee Activity:

Education: 2/14/19, 2/19/19 [DP].

Brief Summary of Bill

- Expands the definition of an "eligible pupil" for the purposes of the Transitional Bilingual Instruction Program.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 18 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Kilduff, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative Kraft.

Staff: Megan Wargacki (786-7194).

Background:

Federal Requirements for Language Instruction for English Learners and Immigrant Students.

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.

The federal Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015, is the federal policy and funding assistance framework for the nation's public education system. The purposes of Title III of the ESEA are to help ensure that English learners attain English proficiency and develop high levels of academic achievement in English, and to assist with the implementation of effective English language instruction educational programs, among other things.

Under the ESEA, "English learner" means an individual:

1. who is age 3 through age 21;
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
3. who either: (a) was not born in the United States or whose native language is a language other than English; (b) is a Native American or Alaska Native, or a native resident of the outlying areas, and who 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 (c) 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
4. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual: (a) the ability to meet the challenging state academic standards; (b) the ability to successfully achieve in classrooms where the language of instruction is English; or (c) the opportunity to participate fully in society.

State Transitional Bilingual Instruction Program.

English learners in Washington receive supplemental instruction through the Transitional Bilingual Instruction Program (TBIP), which is part of the state's program of basic education. 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 the student's home.

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, school districts must measure each eligible student's improvement in learning English. In addition, school districts must provide up to two years of additional instructional support to students who have achieved English proficiency for purposes of the TBIP, but who need assistance in reaching grade-level performance in academic subjects.

Summary of Bill:

The definition of an "eligible pupil" for the TBIP is changed and expanded. "Eligible pupil" is defined as any enrollee of the school district who:

- was not born in the United States or whose primary language is a language other than English;

- is a Native American or Alaska Native, or a native resident of the outlying areas and 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
- is migratory, whose primary language is a language other than English, and who comes from an environment where a language other than English is dominant.

The definition also includes any enrollee of the school district whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

- the ability to meet the state's proficient level of achievement on federally required state assessments;
- the ability to successfully achieve in classrooms where the language of instruction is English; or
- the opportunity to participate fully in society.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill adds Alaska Natives and Native Americans who are not meeting state standards on state assessments to the definition of "eligible pupil." This proposed definition is consistent with the federal definition of an English learner. The bill clarifies the eligibility requirement so that all students who are not native English speakers have an opportunity to participate in the TBIP.

This bill takes a bold step toward closing educational opportunity gaps for Native American students by providing them with the academic English language and literacy supports they need to be successful in school, college, and beyond. Education is the foundation of how communities come together and how they will succeed.

Native American English learners are a largely misunderstood group of students. Many native students are involved in traditional and cultural ways, which are largely oral-based even when the activities are taking place in English. These students have oral knowledge in science, history, arts, and other subjects. They have strong oral and listening skills. English language proficiency requires strength in four domains: listening and speaking, as well as reading and writing. Native student language acquisition is framed by family and community members who were English learners themselves and who acquired English through forceful methods such as boarding schools, which were not intended for academic success.

(Opposed) None.

Persons Testifying: Representative Lekanoff, prime sponsor; Lucinda Young, Washington Education Association; and Latifah Phillips, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.