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**SUBSTITUTE HOUSE BILL 1228**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Education (originally sponsored by Representatives Ortiz-Self, Ybarra, Thai, Simmons, Reeves, Reed, Orwall, Ormsby, Taylor, Leavitt, Kloba, Doglio, Berry, Fey, Davis, Ramel, Callan, Bergquist, Fosse, Pollet, Lekanoff, Slatter, Macri, Alvarado, Stonier, Gregerson, and Santos; by request of Superintendent of Public Instruction)

AN ACT Relating to building a multilingual, multiliterate Washington through dual and tribal language education; amending RCW 28A.300.575; reenacting and amending RCW 28A.180.030; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; repealing RCW 28A.300.574; and providing expiration dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that a multilingual, multiliterate education will benefit all Washington students. A multilingual, multiliterate student body is better prepared to enter a global job market, has developed cognitive skills unique to working within two or more languages, and can build cohesive communities across the state while sharing, celebrating, and strengthening individual cultural ties.

(2) The legislature finds that school districts across the state are demonstrating readiness to develop dual language education programs, and that requests for current grant funding consistently surpass available dollars.

(3) The legislature recognizes that English learners benefit from specific instructional models and supports to thrive in public schools, and that dual language education is the best instructional model for providing those supports.

(4) The legislature finds that Washington has a special duty to honor tribal sovereignty and a duty to serve American Indian and Alaska Native students. The legislature recognizes that centuries of colonial educational practices aimed at destruction of tribal communities and cultures has resulted in intergenerational trauma that continues to negatively impact American Indian and Alaska Native learners, and that state investment in tribal language education programs in schools serving students in kindergarten through 12th grade will move all Washingtonians forward together in addressing and healing those wounds.

(5) The legislature intends to establish a comprehensive approach to support and expand dual language education and tribal language education in Washington. It is the goal of the legislature that:

(a) School districts with a kindergarten enrollment of more than 25 English learners of at least one language group in one or more individual schools will begin the planning process for a dual language program by the 2026-27 school year;

(b) School districts with a kindergarten enrollment of more than 25 English learners of at least one language group across all schools in the district will begin the planning process for a dual language program by the 2029-30 school year; and

(c) All Washington students will have access to dual language education in kindergarten through eighth grade by 2040.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall administer a grant program to support school districts and state-tribal education compact schools establishing and expanding dual language education.

(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must award grants to school districts and state-tribal education compact schools applying to: (i) Establish a dual language education program; or (ii) expand an established dual language education program.

(b) The office of the superintendent of public instruction must identify criteria for awarding the grants, evaluate applicants, and award grant money.

(c) Recipients of the grants awarded under this subsection (1) must submit data to the office of the superintendent of public instruction identifying which students are enrolled in dual language education programs.

(2) The office of the superintendent of public instruction shall develop a program to support tribal language education. The office of Native education within the office of the superintendent of public instruction shall provide school districts and state-tribal education compact schools with guidance, technical assistance, and statewide leadership and support.

(a) The office of Native education within the office of the superintendent of public instruction shall administer a grant program to support school districts and state-tribal education compact schools establishing and expanding tribal language education programs.

(b) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must award grants to school districts to: (i) Establish a tribal language education program; or (ii) expand an established tribal language education program.

(c) The office of Native education within the office of the superintendent of public instruction must identify criteria for awarding the grants, evaluate applicants, and award grant money.

(d) Recipients of the grants awarded under this subsection (2) must submit data to the office of the superintendent of public instruction identifying which students are enrolled in tribal language education programs.

(e) The office of Native education within the office of the superintendent of public instruction shall convene biannually up to 20 tribal language educators to develop and share best practices, resources, and knowledge.

(3) The office of the superintendent of public instruction must provide technical assistance and support related to the establishment, implementation, and expansion of dual language education and tribal language education programs.

(4) The office of the superintendent of public instruction may adopt rules under chapter 34.05 RCW for school districts and state-tribal education compact schools to establish, implement, and expand dual language education and tribal language education programs.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Dual language education" means an instructional model in which public school students are taught subject matter in both English and a world language other than English. "Dual language education" includes heritage language education, which provides opportunities for students to learn the language and culture of their families and communities. "A world language other than English" includes American sign language and Native American languages.

(b) "Tribal language education" means the revitalization of and instruction in tribal languages in public schools, developed in consultation with Washington's federally recognized tribes and federally recognized tribes with reserved treaty rights in Washington, and provided by a certificated teacher with a Washington state first peoples' language, culture, and oral tribal traditions endorsement established under RCW 28A.410.045.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.400 RCW to read as follows:

(1) Beginning with the 2023-24 school year, certificated instructional staff in public schools who demonstrate multilingual skills and instructional knowledge through an approved endorsement must receive a stipend each year in which they maintain the teaching certificate with that endorsement. The annual stipend must be $5,000 adjusted by inflation from the 2023-24 school year.

(2) Beginning with the 2024-25 school year, paraeducators in public schools who demonstrate multilingual skills and instructional knowledge through an approved language assessment and an approved paraeducator subject matter certificate must receive a stipend each year in which they maintain that paraeducator subject matter certificate. The annual stipend must be $1,500 adjusted by inflation from the 2024-25 school year.

(3) The stipends provided under this section are in addition to compensation received under a school district's salary schedule adopted in accordance with RCW 28A.405.200 and must not be included in calculations of a school district's average salary and associated salary limitations under RCW 28A.400.200.

(4) For purposes of implementing this section, the office of the superintendent of public instruction must approve language assessments, paraeducator subject matter certificates, and endorsements. The office of the superintendent of public instruction must collaborate with the Washington professional educator standards board and the paraeducator board to identify the appropriate assessments, certificates, and endorsements.

(5) The office of the superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section. The rules may not require certificated instructional staff to be assigned to teach in the area of the approved endorsement in order to receive a stipend under this section.

(6) As used in this section, "public schools" has the same meaning as in RCW 28A.150.010.

**Sec.**  RCW 28A.300.575 and 2014 c 102 s 2 are each amended to read as follows:

(1) The Washington state seal of biliteracy is established to recognize public high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more world languages in addition to English. ((~~School districts are encouraged to~~)) Beginning with the 2023-24 school year, school districts shall award the seal of biliteracy to graduating high school students who meet the criteria established by the office of the superintendent of public instruction under this section. ((~~Participating school~~)) School districts shall place a notation on a student's high school diploma and high school transcript indicating that the student has earned the seal.

(2) The office of the superintendent of public instruction shall adopt rules establishing criteria for award of the Washington state seal of biliteracy. The criteria must require a student to demonstrate proficiency in English by meeting state high school graduation requirements in English, including through state assessments and credits, and proficiency in one or more world languages other than English. The criteria must permit a student to demonstrate proficiency in another world language through multiple methods including nationally or internationally recognized language proficiency tests and competency-based world language credits awarded under the model policy adopted by the Washington state school directors' association.

(3) The office of the superintendent of public instruction shall provide students with access to methods for the student to demonstrate proficiency in less commonly taught or assessed languages at a cost that is not higher than that of assessing commonly taught or assessed languages.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW.

(5) For the purposes of this section, "a world language other than English" ((~~must~~)) includes American sign language and Native American languages.

**Sec.**  RCW 28A.180.030 and 2013 2nd sp.s. c 9 s 3 are each reenacted and amended to read as follows:

((~~As used throughout this chapter, unless the context clearly indicates otherwise:~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

(2) "Exited pupil" means a student previously enrolled in the transitional bilingual instruction program who is no longer eligible for the program based on his or her performance on an English proficiency assessment approved by the superintendent of public instruction.

(3) "Primary language" means the language most often used by the student for communication in his/her home.

(4) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. ((~~Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English~~)) Dual language education and tribal language education as defined in section 2 of this act are the preferred transitional bilingual instruction program models; or

(b) In those cases in which ((~~the use of~~)) instruction in two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

NEW SECTION. **Sec.**  (1) By October 1, 2024, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must submit to the appropriate committees of the legislature a report on the costs to implement language education programs. The costs described in the report must be the costs identified as being above and beyond the cost of: (a) Educating similar students who are participating in transitional bilingual instruction programs that are not language education programs; and (b) educating similar students who are not participating in language education programs. The report must include a range of costs per language education program student and must include a range of marginal costs for adding an additional student to an established language education program. The report must provide examples of the operational differences between language education programs that account for the ranges provided. To the extent possible, the costs must be separated into categories, such as staff compensation, curricula, other materials, and staff training, and indicate which costs are fixed, variable by number of students, related to program establishment, or are anticipated to be ongoing. Compensation costs for staff described in the report must be based on state salary allocations and compensation for instructional staff. The report must also differentiate between dual language education program costs and tribal language education program costs to the extent that the costs are different.

(2) For the purposes of this section, "language education program" means a dual language education program or a tribal language education program, as defined in section 2 of this act.

(3) This section expires August 1, 2025.

NEW SECTION. **Sec.**  (1) By September 1, 2023, the professional educator standards board and the paraeducator board shall collaborate with the office of the superintendent of public instruction to align bilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.

(2) This section expires June 30, 2024.

NEW SECTION. **Sec.**  (1) The office of Native education within the office of the superintendent of public instruction shall convene a work group to develop the supports necessary to serve American Indian and Alaska Native students identified as needing additional literacy supports. The work group must include representation from Washington's federally recognized tribes and federally recognized tribes with reserved treaty rights in Washington. The work group shall at a minimum: (a) Conduct tribal consultations; (b) develop best practices; (c) engage in professional learning; and (d) develop curricula and resources.

(2) Beginning with the 2024-25 school year, the office of the superintendent of public instruction shall provide school districts and state-tribal education compact schools with program guidance, technical assistance, and professional learning to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

(3) This section expires June 30, 2026.

NEW SECTION. **Sec.**  RCW 28A.300.574 (Dual language learning cohorts—Rules) and 2017 c 236 s 3 are each repealed.

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