

# HOUSE BILL REPORT

## HB 1228

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### As Reported by House Committee On:

Education  
Appropriations

**Title:** An act relating to building a multilingual, multiliterate Washington through dual and tribal language education.

**Brief Description:** Building a multilingual, multiliterate Washington through dual and tribal language education.

**Sponsors:** 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.

### Brief History:

#### Committee Activity:

Education: 1/24/23, 2/7/23 [DPS], 1/22/24, 1/29/24 [DP2S];  
Appropriations: 2/3/24, 2/5/24 [DP3S(w/o sub ED)].

#### Brief Summary of Third Substitute Bill

- Establishes, subject to appropriation, grant programs for establishing or expanding dual language education programs and tribal language education programs.
- Requires provision of literacy supports in service of American Indian and Alaska Native students.
- Makes changes to requirements related to the seal of biliteracy and the Transitional Bilingual Instruction Program.
- Requires reports from the Office of the Superintendent of Public Instruction, the Professional Educator Standards Board, and the Paraeducator Board on specified topics.

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

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Couture, Eslick, Harris, McClintock, Nance, Ortiz-Self, Pollet, Steele, Stonier and Timmons.

**Staff:** Megan Wargacki (786-7194).

### **Background:**

#### Dual Language, Heritage Language, and Indigenous Language Grant Programs.

Since 2015 the Legislature has provided funding for grants to build and expand dual language programs in schools. A dual language program is an instructional model that provides content-based instruction to students in two languages, generally English and a target language other than English that is spoken in the local community. Typically, the programs begin at kindergarten or first grade and continue through at least elementary school.

In 2017 legislation directed the Office of the Superintendent of Public Instruction (OSPI), within existing resources, to facilitate dual language learning cohorts for school districts and state-tribal education compact schools establishing or expanding dual language programs. The OSPI must provide technical assistance and support to school districts and state-tribal education compact schools implementing dual language programs.

In 2020 the Legislature increased the grant funding for dual language programs and also provided grant funding to create heritage language programs for immigrant and refugee students and to create indigenous language programs for Native students. Since this time, grant recipients have been required to convene an advisory board to guide the development and continuous improvement of the program, including: (1) determining which schools and languages will be prioritized; (2) conducting outreach to the community; and (3) addressing enrollment considerations and the hiring of staff. At least half the members of the advisory board are required to be parents of English language learner (ELL) students or current or former ELL students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support ELL students.

#### Transitional Bilingual Instruction Program for English Language Learner Students.

Students who are English language learners receive supplemental instruction through the Transitional Bilingual Instruction Program (TBIP), which is part of the state's statutory program of basic education. Except where it is not practicable, the TBIP provides instruction in two languages; concepts and information are introduced in a student's primary language and reinforced in English. Teachers in the TBIP must hold a bilingual education

endorsement or an ELL endorsement.

#### Office of Native Education.

Legislation enacted in 2011 created the Office of Native Education (ONE) within the OSPI. To the extent funds are available, the ONE must conduct eight types of activities, for example: (1) providing assistance to school districts in meeting the educational needs of American Indian and Alaska Native (AN/AI) students; (2) facilitating the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty; (3) seeking funds to develop and provide continued professional development for paraeducators, teachers, and principals serving AN/AI students; and (4) facilitating the inclusion of native language programs in school districts' curricula. The ONE also serves as a liaison between the OSPI and school districts, tribal governments, state-tribal education compact schools, tribal schools, and Native families and communities.

The 2023-25 State Omnibus Operating Appropriations Act provided funding to the ONE to convene a work group to develop the supports necessary to serve AN/AI students identified as needing additional literacy supports. The work group must conduct tribal consultations, develop best practices, engage in professional learning, and develop curricula and resources.

#### Seal of Biliteracy for Student Diplomas.

Legislation enacted in 2014 established the state seal of biliteracy 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 award the seal of biliteracy to graduating students who demonstrate proficiency in English by meeting state high school graduation requirements in English and proficiency in one or more world languages other than English. A student may demonstrate proficiency in another world language through multiple methods including nationally or internationally recognized language proficiency tests and competency-based world language credits. The term "world language other than English" includes American Sign Language and Native American languages.

The standardized high school transcript may include a notation of whether the student has earned the seal of biliteracy.

#### Teacher Bilingual Education and English Language Learner Endorsements.

An endorsement is the subject area in which a certificated teacher is authorized to teach, along with designated grade levels for that area. Teachers seeking to earn a bilingual education or ELL endorsement must have a second endorsement in another endorsement area.

#### Paraeducator English Language Learner Certificate.

Paraeducators work under the supervision of teachers to provide various levels of support, including performing instructional duties, assisting with classroom management, and acting

as translators. An ELL certificate is an optional credential a paraeducator working with ELL students may earn by completing 20 hours of professional development that meet specified ELL knowledge and skill competencies. The ELL paraeducator certificate expires after five years.

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### **Summary of Bill (Second Substitute):**

#### Dual Language Education Grants.

Subject to appropriation, the Office of the Superintendent of Public Instruction (OSPI) must award grants to school districts and state-tribal education compact schools to establish a dual language education program that begins in kindergarten or to expand an established dual language education program. "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, in which students develop and maintain grade level literacy and language use in the language of their communities, homes, and families. For these purposes, a world language other than English includes sign languages, for example American Sign Language, and Indigenous languages.

The OSPI must identify criteria for awarding the grants, evaluate applicants, award grant money, and provide technical assistance and support. Establishment grants must be prioritized to schools in the educational opportunity gap, with the first priority to schools with over 50 percent students of color.

Recipients of the grants must convene an advisory board to guide the development and continuous improvement of the dual language education program, including addressing enrollment considerations and staff hiring. Grant recipients must actively recruit to the advisory board parents of English learner students and current or former English learner students, with a goal of filling at least half of the advisory board seats with these individuals; the other members of the advisory board must represent teachers, students, school leaders, governing board members, and community-based organizations that support English language learner (ELL) students.

Recipients of the grants must also: (1) prioritize offering the dual language education program in the language that the majority of its ELL students speak; (2) conduct outreach to the community; and (3) submit data to the OSPI identifying which grade levels and which courses are part of the dual language education program and which students are enrolled in those courses.

By November 1, 2024, the OSPI must report to the Legislature with its plan for expanding dual language education, so that all school districts that want to may offer a dual language education program that begins in kindergarten by 2040. The plan must prioritize the expansion to reach students in the educational opportunity gap first.

The statute directing the OSPI to facilitate dual language learning cohorts is repealed.

Tribal Language Education Supports, Grants, and Convenings.

The OSPI must develop a program to support tribal language education. The Office of Native Education (ONE) must provide school districts and state-tribal education compact schools with guidance, technical assistance, and statewide leadership and support. "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 first peoples' language, culture, and oral tribal traditions endorsement.

Subject to appropriation, the ONE must award grants to school districts to establish a tribal language education program that begins in kindergarten or to expand an established tribal language education program. The ONE must: identify criteria for awarding the grants, evaluate applicants, and award grant money.

Recipients of the grants must submit data to the OSPI identifying which students are enrolled in tribal language education programs.

The ONE must convene biannually up to 20 tribal language educators to develop and share best practices, resources, and knowledge. The OSPI must provide technical assistance and support.

Serving American Indian and Alaska Native Students.

Beginning with the 2025-26 school year, the OSPI must provide school districts and state-tribal education compact schools with program guidance, technical assistance, and professional learning to serve Alaska Native and American Indian students with appropriate, culturally affirming literacy supports.

Transitional Bilingual Instruction Program for English Language Learner Students.

It is specified that dual language education and tribal language education are the preferred Transitional Bilingual Instruction Program models.

Seal of Biliteracy for Student Diplomas.

Beginning with the 2025-26 school year, school districts, charter schools, and state-tribal education compact schools must—rather than may—award the seal of biliteracy to graduating high school students who meet OSPI's award criteria. For a world language other than English that is an unwritten language, the criteria must only require a student to demonstrate proficiency in speaking (and not in reading and writing) the language. The criteria for the seal of biliteracy must specify that only a sovereign tribal government may certify a student as proficient in the language of the tribe.

The OSPI must provide students access to methods 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.

The standardized high school transcript must—rather than may—include a notation of whether the student has earned the seal of biliteracy.

Aligning Language Endorsements and Determining Language Assessments.

By January 1, 2025, the Professional Educator Standards Board and the Paraeducator Board must collaborate with the OSPI and institutions of higher education to align bilingual education and ELL endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.

**Second Substitute Bill Compared to Original Bill:**

As compared to the original bill, the second substitute bill makes the following changes to the dual language education provisions:

- specifying that establishment grants must be prioritized to schools in the educational opportunity gap, with the first priority to schools with over 50 percent students of color;
- requiring recipients of the grants to convene an advisory board with specified duties and membership, including a goal of filling at least half of the advisory board seats with parents of English learner students and current or former English learner students;
- requiring recipients to submit the grade levels and courses that are part of the program—in addition to which students are enrolled;
- directing the Office of the Superintendent of Public Instruction (OSPI) to report to the Legislature with its plan for expanding dual language education so that all school districts that want to may offer a program by 2040; and
- changing the definitions of "dual language education," "heritage language education," and "world language other than English."

Compared to the original bill, the second substitute bill requires that the OSPI—rather than the Office of Native Education—award tribal language education grants, and requires recipients of the grants to submit data to the OSPI identifying which students are enrolled in tribal language education programs.

The second substitute bill removes provisions in the original bill that: (1) establish stipends for instructional staff and paraeducators with multilingual skills; (2) direct the allocation for the Transitional Bilingual Instruction Program be weighted at 1.2 factor for each eligible and exited student enrolled in a dual language education program; and (3) require a work group to develop supports for American Indian and Alaska Native (AI/AN) students identified as needing additional literacy supports.

As compared to the original bill, the second substitute bill makes the following changes provisions for the state seal of biliteracy as follows:

- delaying, to the 2025-26 school year, required implementation of the seal of biliteracy by all public high schools—rather than only school districts;
- specifying that a student must only be required to demonstrate proficiency in speaking—and not in reading and writing—to meet requirements for a seal of biliteracy in a world language other than English that is an unwritten language;
- requiring criteria for the seal of biliteracy to allow only a sovereign tribal government to certify a student as proficient in the language of the tribe; and
- specifying that the standardized high school transcript must—rather than may—include a notation of whether the student has earned the seal of biliteracy.

The second substitute bill, compared to the original bill, adds the Paraeducator Board and institutions of higher education as collaborators with the OSPI and the Professional Educator Standards Board in aligning bilingual—rather than multilingual—education and English language learner endorsement standards and in determining language assessment requirements for multilingual teachers and paraeducators, and extends the deadline for this work to January 1, 2025.

As compared to the original bill, the second substitute bill requires the OSPI to begin providing program guidance, technical assistance, and professional learning to serve AI/AN students with appropriate, culturally affirming literacy supports in the 2025-26 school year—rather than the 2024-25 school year—and removes the expiration date on this requirement.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on January 29, 2024.

**Effective Date of Second 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) Dual language is the best education model for English language learner students to learn English and the best way to create bilingual speakers for our global workforce. Many people support dual language education. This model is a long-term investment in making people bilanguage and biliterate. We need more effective instructional models for immigrant and heritage students whose primary language is not English.

Dual language education can reduce language learning gaps when it is implemented with fidelity. English language learner students are often underserved and perform below grade

level. Early learning programs are also interested in dual language education and tribal language education programs.

The Office of the Superintendent of Public Instruction (OSPI) has a goal of making dual language education available to every school district that wants it. This bill sets 2040 as the date to meet the OSPI's goal. This bill will fund and cement these programs in statute. The bill also tasks the OSPI and Professional Educator Standards Board to look at a plan for further incremental steps to take in aligning bilingual staff credentials.

Some schools already offer tribal language education program. The bill will provide additional support for these programs by funding a grant program, directing tribal language educators to share best practices, and offering stipend to teachers and paraeducators who demonstrate bilingual skills. This bill will move all Washingtonians forward to address and heal wounds. This bill supports school districts' effort in indigenizing the education of children.

This bill will create a more inclusive and multicultural learning environment. And it will help to increase the bilingual workforce.

(Opposed) None.

(Other) More schools should have dual American Sign Language (ASL) and English programs. It is difficult for people with hearing difficulties to talk with their friends. Having ASL teachers present in school helps students with hearing difficulties as they grow and develop. Some schools have ASL clubs, but there are barriers for everyone to attend those meetings.

General education students should have the opportunity to learn ASL so that they can communicate with their friends with hearing difficulties. The interpreters do not interpret conversations between friends, which can result in loneliness for people with hearing difficulties.

**Persons Testifying:** (In support) Representative Lillian Ortiz-Self, prime sponsor; Radu Smintina, OneAmerica; Athena Jimenez-Manalo; and Brian Freeman, Inchelium School District.

(Other) Laura Gramer; and Lucas Gramer.

**Persons Signed In To Testify But Not Testifying:** Karen Condon, Confederated Tribes of the Colville Reservation; Pamela Grossman; Erica Marbet; Chitra Bhardwaj; Anna Hernandez-French, Office of the Superintendent of Public Instruction; Christine Marbet; Zackary Turner, Professional Educator Standards Board; Danica Noble, McDonald International Elementary Parent Teacher Association; and May Ling Joa.



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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The third substitute bill be substituted therefor and the third substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stokesbary, Stonier, Tharinger and Wilcox.

**Staff:** Jordan Clarke (786-7123).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:**

The Appropriations Committee recommended adding a null and void clause, making the bill null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on January 29, 2024.

**Effective Date of Third Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

### **Staff Summary of Public Testimony:**

(In support) The Office of the Superintendent of Public Instruction is very excited to see this bill up for a public hearing. The bill defines and codifies dual language and tribal language education programs, which the state has invested in over the years, with phenomenal results for all students involved, particularly for English language learners for whom dual language is the most effective instructional model. There are several existing budget provisos that support similar work and could be redirected to fund a large portion of the work outlined in the bill. The remaining costs would be less than \$700,000 per year beginning in fiscal year 2025.

There are three economic benefits related to this bill. First, neuroscience research has shown that studying a second language increases brain density and cognitive skills, as well as protecting against Alzheimer's disease and cognitive impairments. It is possible that this bill will create downstream benefits because of this. Dual language programs act as a signal to colleges and universities that these students have not only excelled academically, but have also done so with the added challenge of simultaneously learning a second language.

The bill will also help students earn the Seal of Biliteracy and qualify for scholarships. Last, bilingual adults tend to have higher average salaries and greater career opportunities than people who speak only one language. This bill could create jobs, startup businesses, and increase business and occupation taxes.

(Opposed) None.

**Persons Testifying:** Anna Hernandez-French, Office of Superintendent of Public Instruction; and Alex Hur, OneAmerica.

**Persons Signed In To Testify But Not Testifying:** None.