

SENATE BILL REPORT

3SHB 1228

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 21, 2024
Ways & Means, February 26, 2024

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: House Committee on Appropriations (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).

Brief History: Passed House: 2/12/24, 90-0.

Committee Activity: Early Learning & K-12 Education: 2/19/24, 2/21/24 [DP-WM].
Ways & Means: 2/24/24, 2/26/24 [DP].

Brief Summary of Bill

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

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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Benjamin Omdal (786-7442)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Richard Ramsey (786-7909)

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. 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. ELL students 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. In 2011 the Legislature directed OSPI to create the Office of Native Education (ONE). ONE performs several functions, including providing assistance to school districts in meeting the educational needs of American Indian and Alaska Native (AI/AN) students, and facilitating the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty.

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 AI/AN students identified as needing additional literacy supports. The work group was directed to 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. 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.

Summary of Bill: Dual Language Education Grants. Subject to appropriation, 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.

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.

Dual language education is defined as 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.

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 ELL students and current or former ELL 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 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 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, 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 OSPI to facilitate dual language learning cohorts is repealed.

Tribal Language Education Supports, Grants, and Convenings. OSPI must develop a program to support tribal language education. ONE must provide school districts and state-tribal education compact schools with guidance, technical assistance, and statewide leadership and support.

Tribal language education is defined as 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, 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. ONE must identify criteria for awarding the grants, evaluate applicants, and award grant money.

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

ONE must convene biannually up to 20 tribal language educators to develop and share best practices, resources, and knowledge. OSPI must provide technical assistance and support related to the establishment, implementation, and expansion of dual language education and tribal language education programs.

Serving American Indian and Alaska Native Students. Beginning with the 2025-26 school year, 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.

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 OSPI and institutions of higher education to align bilingual education and ELL endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

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 (Early Learning & K-12 Education): PRO: Many parents want the access to learn a language at an early age. Brain development research shows how language learning benefits students as students and in their career goals. The bill tries to acknowledge the skills of students, including ASL students and students learning tribal languages. Dual language education helps student now and in the future in terms of academic skills, cultural competency, and economic potential. The opportunity to learn dual languages should not be limited to the lucky few that are currently able to have such programs. These programs allow for a celebration of communities through language instruction. This instructional method is demonstrated to be the most effective in teaching language and inclusivity. One in three children in Washington live in a home where English is not the first language. Decades of research show that dual language education has large benefits for students that are furthest from educational justice.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Lillian Ortiz-Self, Prime Sponsor; Danica Noble, Washington State PTA; May Ling Joa; Radu Smintina, OneAmerica; Athena Jimenez-Manalo.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): PRO: Brian Freeman, Inchelium School District #70; Kristin Percy Calaff, OSPI; Willard Bill Jr., Office of Superintendent of Public Instruction; Karen Condon, Confederated Tribes of the Colville Reservation .

Staff Summary of Public Testimony (Ways & Means): PRO: The bill before you invests in programs with great success. Most of the costs are associated with the section that ensures students who speak less common languages are charged any more. Adding a subject to appropriation provision to this section would allow OSPI to have flexibility. We are currently exploring a dual language program starting in kindergarten. Grant funding is essential in building that sustainable program. This instruction model is a long term investment helping students be bilingual and biliterate and it has been shown to be the most effective English language learning program.

Persons Testifying (Ways & Means): PRO: Anna Hernandez-French, Office of Superintendent of Public Instruction; Brian Freeman, Inchelium School District #70; Radu Smintina, OneAmerica.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.