
SUBSTITUTE HOUSE BILL 1228

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)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to building a multilingual, multiliterate
2 Washington through dual and tribal language education; amending RCW
3 28A.300.575; reenacting and amending RCW 28A.180.030; adding a new
4 section to chapter 28A.300 RCW; adding a new section to chapter
5 28A.400 RCW; creating new sections; repealing RCW 28A.300.574; and
6 providing expiration dates.

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

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

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

19 (3) The legislature recognizes that English learners benefit from
20 specific instructional models and supports to thrive in public

1 schools, and that dual language education is the best instructional
2 model for providing those supports.

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

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

16 (a) School districts with a kindergarten enrollment of more than
17 25 English learners of at least one language group in one or more
18 individual schools will begin the planning process for a dual
19 language program by the 2026-27 school year;

20 (b) School districts with a kindergarten enrollment of more than
21 25 English learners of at least one language group across all schools
22 in the district will begin the planning process for a dual language
23 program by the 2029-30 school year; and

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

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
27 RCW to read as follows:

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

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

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

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

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

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

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

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

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

31 (e) The office of Native education within the office of the
32 superintendent of public instruction shall convene biannually up to
33 20 tribal language educators to develop and share best practices,
34 resources, and knowledge.

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

39 (4) The office of the superintendent of public instruction may
40 adopt rules under chapter 34.05 RCW for school districts and state-

1 tribal education compact schools to establish, implement, and expand
2 dual language education and tribal language education programs.

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

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

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

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.400
20 RCW to read as follows:

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

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

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

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

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

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

15 **Sec. 4.** RCW 28A.300.575 and 2014 c 102 s 2 are each amended to
16 read as follows:

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

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

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

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

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

13 **Sec. 5.** RCW 28A.180.030 and 2013 2nd sp.s. c 9 s 3 are each
14 reenacted and amended to read as follows:

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

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

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

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

30 (4) "Transitional bilingual instruction" means:

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

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

7 NEW SECTION. Sec. 6. (1) By October 1, 2024, and in compliance
8 with RCW 43.01.036, the office of the superintendent of public
9 instruction must submit to the appropriate committees of the
10 legislature a report on the costs to implement language education
11 programs. The costs described in the report must be the costs
12 identified as being above and beyond the cost of: (a) Educating
13 similar students who are participating in transitional bilingual
14 instruction programs that are not language education programs; and
15 (b) educating similar students who are not participating in language
16 education programs. The report must include a range of costs per
17 language education program student and must include a range of
18 marginal costs for adding an additional student to an established
19 language education program. The report must provide examples of the
20 operational differences between language education programs that
21 account for the ranges provided. To the extent possible, the costs
22 must be separated into categories, such as staff compensation,
23 curricula, other materials, and staff training, and indicate which
24 costs are fixed, variable by number of students, related to program
25 establishment, or are anticipated to be ongoing. Compensation costs
26 for staff described in the report must be based on state salary
27 allocations and compensation for instructional staff. The report must
28 also differentiate between dual language education program costs and
29 tribal language education program costs to the extent that the costs
30 are different.

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

34 (3) This section expires August 1, 2025.

35 NEW SECTION. Sec. 7. (1) By September 1, 2023, the professional
36 educator standards board and the paraeducator board shall collaborate
37 with the office of the superintendent of public instruction to align
38 bilingual education and English language learner endorsement

1 standards and determine language assessment requirements for
2 multilingual teachers and paraeducators.

3 (2) This section expires June 30, 2024.

4 NEW SECTION. **Sec. 8.** (1) The office of Native education within
5 the office of the superintendent of public instruction shall convene
6 a work group to develop the supports necessary to serve American
7 Indian and Alaska Native students identified as needing additional
8 literacy supports. The work group must include representation from
9 Washington's federally recognized tribes and federally recognized
10 tribes with reserved treaty rights in Washington. The work group
11 shall at a minimum: (a) Conduct tribal consultations; (b) develop
12 best practices; (c) engage in professional learning; and (d) develop
13 curricula and resources.

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

20 (3) This section expires June 30, 2026.

21 NEW SECTION. **Sec. 9.** RCW 28A.300.574 (Dual language learning
22 cohorts—Rules) and 2017 c 236 s 3 are each repealed.

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