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**THIRD SUBSTITUTE HOUSE BILL 1228**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House 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)

AN ACT Relating to building a multilingual, multiliterate Washington through dual and tribal language education; amending RCW 28A.300.575 and 28A.230.125; reenacting and amending RCW 28A.180.030; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; creating new sections; repealing RCW 28A.300.574; and providing an expiration date.

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 to annually fund at least 10 new dual language education programs that begin in kindergarten, so that all school districts that want to may offer a program 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 that begins in kindergarten; 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. 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.

(c) Recipients of the grants awarded under this subsection (1) must: (i) Convene an advisory board to guide the development and continuous improvement of the dual language education program, including addressing enrollment considerations and staff hiring; (ii) prioritize offering the program in the language that the majority of its English learner students speak; (iii) conduct outreach to the community; and (iv) submit data to the office of the superintendent of public instruction identifying which grade levels and which courses are part of the dual language education program and which students are enrolled in those courses. 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 learners.

(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, in which students develop and maintain grade level literacy and language use in the language of their communities, homes, and families.

(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.

(c) "World language other than English" includes sign languages, for example American sign language, and indigenous languages.

NEW SECTION. **Sec.**  (1) By November 1, 2024, and in accordance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature with its plan for expanding dual language education, as defined in section 2 of this act, 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.

(2) This section expires August 1, 2025.

**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~~)) English and in one or more world languages ((~~in addition to~~)) other than English. ((~~School districts are encouraged to~~)) Beginning with the 2025-26 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 of biliteracy.

(2)(a) The office of the superintendent of public instruction shall adopt rules establishing criteria for award of the Washington state seal of biliteracy.

(b) The criteria must require a student to demonstrate ((~~proficiency~~)) both:

(i) Proficiency in English by meeting state high school graduation requirements in English, including through state assessments and credits((~~, and proficiency in~~)); and

(ii)(A) Except as provided in (b)(ii)(B) of this subsection (2), proficiency in speaking, reading, and writing one or more world languages other than English. ((~~The~~))

(B) For a world language other than English that is an unwritten language, the criteria must only require a student to demonstrate proficiency in speaking the unwritten language.

(c)(i) Except as provided in (c)(ii) of this subsection (2), the criteria must permit a student to demonstrate proficiency in ((~~another~~)) a world language other than English 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.

(ii) For a world language other than English that is an indigenous language, the criteria must specify that only a sovereign tribal government may certify a student as proficient in the language of the tribe.

(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 subject to chapter 28A.715 RCW.

(5) For the purposes of this section, ((~~a~~)) "world language other than English" ((~~must include American sign language and Native American languages~~)) has the same meaning as in section 2 of this act.

**Sec.**  RCW 28A.230.125 and 2019 c 252 s 111 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript ((~~may~~)) must include a notation of whether the student has earned the Washington state seal of biliteracy established under RCW 28A.300.575.

**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.**  A new section is added to chapter 28A.410 RCW to read as follows:

By January 1, 2025, the professional educator standards board and the paraeducator board shall collaborate with the office of the superintendent of public instruction and institutions of higher education to align bilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.

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

Beginning with the 2025-26 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.

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

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

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