

HOUSE BILL REPORT

HB 1228

As Reported by House Committee On:
Education

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].

Brief Summary of Substitute Bill

- Establishes, subject to appropriation, grant programs for establishing or expanding dual language education programs and tribal language education programs and requires a report on the costs to implement these programs.
- Requires development and provision of supports in service of American Indian and Alaska Native students.
- Establishes stipends for certificated instructional staff and paraeducators with multilingual skills.
- Makes changes to provisions related to the seal of biliteracy and the Transitional Bilingual Instruction Program.

HOUSE COMMITTEE ON EDUCATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist, Callan, Harris, McClintock, Ortiz-Self, Pollet, Sandlin, Steele, Stonier and Timmons.

Minority Report: Without recommendation. Signed by 2 members: Representatives McEntire, Assistant Ranking Minority Member; Eslick.

Staff: Megan Wargacki (786-7194).

Background:

Dual Language Grant Program.

In 2017 legislation was enacted to create the Dual Language Grant Program to grow capacity for high quality dual language programs in school districts and in state-tribal compact 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 elementary school.

The Office of the Superintendent of Public Instruction (OSPI) awarded grants on a competitive basis to establish or expand a dual language program. The program, which expired on July 1, 2020, was last funded for fiscal year 2021.

The 2017 legislation also directed the OSPI, within existing resources, to facilitate dual language learning cohorts for school districts and state-tribal compact schools establishing or expanding dual language programs. The OSPI must provide technical assistance and support to school districts and state-tribal compact schools implementing dual language programs.

Office of Native Education.

Legislation was enacted in 2011 that 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) provide assistance to school districts in meeting the educational needs of American Indian and Alaska Native (AN/AI) students; (2) facilitate the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty; (3) seek funds to develop and provide continued professional development for paraeducators, teachers, and principals serving AN/AI students; and (4) facilitate 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 compact schools, tribal schools, and Native families and communities.

First Peoples' Language, Culture, and Oral Tribal Traditions Certificate.

Legislation enacted in 2007 established the First Peoples' Language, Culture, and Oral Tribal Traditions (Tribal Language/Culture) Teacher Certification Program to be implemented by the Professional Educator Standards Board (PESB). A sovereign tribal government must certify that an individual has met the tribe's Tribal Language/Culture teacher certification program, as well as set continuing education and certificate renewal requirements.

The holder of a Tribal Language/Culture teacher certificate may work in a public school teaching tribal language, culture, and oral tribal traditions in the language/culture designated on the certificate. The holder of a Tribal Language/Culture teacher certificate may not teach other subjects unless certificated as a teacher by the PESB.

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.

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 English language learner (ELL) endorsement.

For each student enrolled in the TBIP, the state allocates funding to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through 12, in a class size of 15 students. For each student who has exited the TBIP within the previous two years the state allocates funding to provide, on a statewide average, 3.0 hours per week in extra instruction, in a class size of 15 students.

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. Beginning September 1, 2019, teachers seeking to earn either of these endorsements must have a second endorsement that is not bilingual education, ELL, special education, or traffic safety.

To earn a bilingual education endorsement, among other things candidates must demonstrate a high level of oral and written language proficiency in English through meeting state certification requirements and in an additional language of instruction as demonstrated by performance on a standardized assessment of language proficiency.

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 students in ELL programs (such as the TBIP) 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 Substitute Bill:

Dual Language Education and Tribal Language Education.

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 compact schools applying to establish or expand a 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, which provides opportunities for students to learn the language and culture of their families and communities. For these purposes, a world language other than English must include American sign language and Native American languages.

The OSPI must identify criteria for awarding the grants, evaluate applicants, award grant money, and provide technical assistance and support. Recipients must submit data to the OSPI identifying which students are enrolled in dual language education programs.

Tribal Language Education Grants. The OSPI must develop a program to support tribal language education. The Office of Native Education (ONE) must provide school districts and state-tribal 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 provided by a certificated teacher with a Washington state first peoples' language, culture, and oral tribal traditions endorsement.

Subject to appropriation, the OSPI must award grants to school districts to establish a tribal language education program 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.

Tribal Language Educator Convenings. The ONE must convene biannually up to 20 tribal language educators to develop and share best practices, resources, and knowledge.

Technical Assistance. The OSPI must provide technical assistance and support related to the establishment, implementation, and expansion of dual language education and tribal language education programs. The statute directing the OSPI to facilitate dual language learning cohorts is repealed.

Implementation Costs Report. By October 1, 2024, the OSPI must submit to the Legislature a report on the costs to implement dual language education and tribal language education programs. The costs described in the report must be the costs identified as being above and beyond the cost of: (1) educating similar students who are participating in Transitional Bilingual Instruction Programs (TBIP) that are not language education programs; and (2) educating similar students who are not participating in language education programs. Among other things, the report must include cost ranges, and, to the extent possible, separate costs into categories.

Serving American Indian and Alaska Native Students.

The ONE must convene a work group to develop the supports necessary to serve American Indian and Alaska Native (AN/AI) 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 must, at a minimum, conduct tribal consultations, develop best practices, engage in professional learning, and develop curricula or resources.

During the 2024-25 and 2025-26 school years, the OSPI must provide school districts and state-tribal compact schools with program guidance, technical assistance, and professional learning to serve AN/AI students with appropriate, culturally affirming literacy supports.

Seal of Biliteracy for Student Diplomas.

Beginning with the 2023-24 school year, school districts, charter schools, and state-tribal compact schools must award the seal of biliteracy to graduating high school students who meet OSPI's award criteria. The OSPI must 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.

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.

Multilingual Skill Bonuses for Certificated Instructional Staff and Paraeducators.

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.

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 stipend must be \$1,500 adjusted by inflation from the 2024-25 school year.

These stipends are in addition to compensation received under a school district's salary schedule and must not be included in calculations of a school district's average salary and associated salary limitations.

The OSPI must collaborate with the Professional Educator Standards Board (PESB) and the Paraeducator Board to identify appropriate language assessments, paraeducator subject matter certificates, and endorsements for the OSPI to approve.

The OSPI must adopt rules to implement the stipends. 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.

Aligning Language Endorsements and Determining Language Assessments.

By September 1, 2023, the PESB and the Paraeducator Board must collaborate with the OSPI to align bilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

1. modifying the definition of dual language education to mean an instructional model in which public school students are taught subject matter in both English and a world language other than English (rather than a prekindergarten through grade 12 instructional model in which students are taught subject matter in both English and a world language other than English);
2. adding that recipients of tribal language education grants must submit data to the Office of the Superintendent of Public Instruction (OSPI) identifying which students are enrolled in tribal language education programs;
3. directing the OSPI to collaborate with the Professional Educator Standards Board (PESB) and the Paraeducator Board to identify appropriate assessments, certificates, and endorsements related to stipends for multilingual paraeducators and certificated instructional staff;
4. adding that the OSPI may not require multilingual certificated instructional staff to be

- assigned to teach in the area of the approved endorsement in order to receive a stipend;
5. making requirements for awarding the seal of biliteracy to graduating high school students applicable to charter schools and state-tribal compact schools;
 6. removing language directing that 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;
 7. directing the OSPI to submit to the Legislature a report on the costs to implement dual language education and tribal language education programs;
 8. adding the Paraeducator Board as a collaborator with the OSPI and the PESB in aligning bilingual (rather than multilingual) education and English language learner endorsement standards and in determining language assessment requirements for multilingual teachers and paraeducators;
 9. specifying that the Office of Native Education within the OSPI (rather than the OSPI generally) must convene the work group developing supports in service of American Indian and Alaska Native students;
 10. adding to the work group the federally recognized tribes with reserved treaty rights in Washington and removes language permitting the work group to include individuals with lived experience; and
 11. making other changes, including modifying expiration dates, adding definitions and statutory references, and combining sections.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 8, 2023.

Effective Date of 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) The bill addresses everything from the seal of biliteracy, tribal languages, dual languages, and examines assessments and endorsements and certification for multilingual educators. All the research shows that the younger a person is, the better they can acquire language. The whole brain becomes alive with acquisition of languages. Research shows that babies can acquire multiple languages at a very young age. Educators are doing it wrong by trying to get kids to learn languages in middle and high school.

Many students who are non-English speakers are proud of their languages. They are learning English, but it is difficult. These students have educational goals and need support to achieve them. In a dual language class students have no language barrier and language does not slow down learning. These programs help students learn English and accomplish their dreams.

Being bilingual and biliterate gives students access to additional information, including that people are more similar than different. Being able to communicate with others gives students more choices. Some students cannot have conversations with their own parents and elders because the parents thought their children needed to give up that family language to succeed. Students who do not speak English often cannot interact with their classmates and can only interact with bilingual staff at the school. More bilingual teachers are needed give the proper attention to bilingual students.

Dual language education programs allow students to develop academic skills in two languages. Dual language programs are the most effective model for accelerating student achievement. Research shows that English learners and native English speakers in dual language education programs outperform students in other instructional models. Children in dual language education programs have graduation rates of nearly 100 percent. Over 70 school districts are using federal funds to provide dual language education. There are waiting lists for these programs.

Some tribal languages have ceased to exist. Heritage languages can be lost by the third generation if not supported. Tribal language education programs are a step to maintain cultural heritage.

Many families who do not speak English need help to understand the issues that are happening at schools. This bill supports American Indian and Alaska Native students. State funding will allow school districts to provide professional development and conduct site visits. Students should be able to take a language proficiency exam in any language to earn the seal of biliteracy.

The state needs to invest in bilingual educators with annual stipends. This will help diversify the workforce and show that the state respects the expertise of bilingual educators. It takes time to collaborate with colleges and to create materials, translate, and plan in two languages. The state needs to grow and retain paraeducators. The stipend will help to attract, hire, and retain bilingual teachers and paraeducators.

The state and country have become more culturally interdependent. Multilingualism has lifelong benefits. Dual language education programs have the most impact on multilingual learners; instilling in them the importance of their biliteracy journey. For these reasons, the state needs to expand dual language education and support recruitment and retention of bilingual educators. This bill will help the state reach the goal of dual language education for all students by 2040.

The education system was not built for immigrants. English as a second language programs can isolate students away from their peers and prevent them from learning academics. These students experience racism and may reject their culture. Multiculturalism and multilingualism should be celebrated in the classroom and not singled out as problems. It is

beneficial to the state to develop multiliterate residents who can compete in today's economy.

(Opposed) None.

Persons Testifying: Representative Lillian Ortiz-Self, prime sponsor; Maribel Vilchez; Kristin Percy Calaff, Office of Superintendent of Public Instruction; Jonathan Ruiz Velasco, Highline Public Schools; Giovanni Severino, Progreso: Latino Progress; Angel Jarquin and Sol Salgado, Latino Civic Alliance; Bethany Martinez, Wahluke School District; Rob Darling, Yakima School District; Hugo Zavala; Telissa Wilson, Shelton School District; Marisol Carrasco; and Hannah Tsan.

Persons Signed In To Testify But Not Testifying: Alex Hur, OneAmerica; Bernard Koontz, Highline Public Schools; Elida Alvarez and Alyssa St. Hilaire, Kennewick School District; Angelie Duimovic, Kent School District; Alfonso Lopez, Wenatchee School District; Kate DeWein; Lucia Faba; Lynn Palmanteer-Holder, State Board for Community and Technical Colleges; and June Nho Ivers.