H-3656.1

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**HOUSE BILL 2590**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Ortiz-Self, Harris, Kilduff, Stonier, Lovick, Gregerson, McBride, Fitzgibbon, Peterson, Valdez, Stanford, Doglio, and Macri

AN ACT Relating to the transitional bilingual instruction program; amending RCW 28A.180.040; and adding new sections to chapter 28A.180 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.180 RCW to read as follows:

Beginning in the 2019-20 school year, school districts must meet the following requirements when assigning staff to provide supplemental instruction for eligible pupils using funds for the transitional bilingual instruction program:

(1) Classroom teachers must hold an endorsement in bilingual education or English language learner, or both.

(2) School districts with more than two thousand pupils are limited to a maximum ratio of two paraeducators per classroom teacher.

(3) School districts with program enrollment sufficient to fund a 1.0 full-time equivalent certificated instructional staff position must spend, after indirect costs, at least seventy-five percent of the transitional bilingual instruction program allocation on qualified certificated staff, if such staff are available.

(4)(a) Paraeducators may not take the place of qualified classroom teachers except as an interim measure while the school district hires, trains, or otherwise secures enough qualified classroom teachers to serve its eligible pupils.

(b) School districts using paraeducators as an interim measure must submit a strategy and timeline to secure enough qualified classroom teachers in the program plan that the district annually submits to the superintendent of public instruction for approval. Strategies may include support for paraeducators to pursue teacher certification with a bilingual education or English language learner endorsement.

(5) Paraeducators must instruct eligible pupils under the direct supervision of a qualified classroom teacher and earn the paraeducator subject matter certificate in English language learner, in accordance with RCW 28A.413.080 and rules adopted by the paraeducator board, within twenty-four months of employment in the program.

**Sec.**  RCW 28A.180.040 and 2016 c 72 s 301 are each amended to read as follows:

(1) Every school district board of directors shall:

(a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction;

(b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program;

(c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases;

(d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction;

(f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models; and

(g) Make available a program of instructional support for up to two years immediately after pupils exit from the program, for exited pupils who need assistance in reaching grade-level performance in academic subjects even though they have achieved English proficiency for purposes of the transitional bilingual instructional program.

(2) ((~~Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for eligible pupils must hold an endorsement in bilingual education or English language learner, or both.~~

~~(3)~~)) The definitions in Article II of RCW 28A.705.010 apply to subsection (1)(d) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.180 RCW to read as follows:

(1)(a) To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor transitional bilingual instruction programs at least once every five years by reviewing the components described in (b) of this subsection.

(b) Program monitoring must be designed to support effective program implementation by schools and school districts and to improve educational outcomes for eligible pupils. Program monitoring must include a review of the following components:

(i) Identification of eligible pupils;

(ii) Language development support to eligible pupils, with fidelity to approved program models;

(iii) Implementation of an approved bilingual education program that, when feasible, prioritizes a two-way dual language program model. When a two-way dual language program is not feasible, the priority shifts to a one-way dual language program for English learners;

(iv) Qualifications of certificated and classified staff funded through the program;

(v) Academic support to eligible exited pupils;

(vi) Effective use of funds consistent with the intent and purpose of the program, including the supplemental use of program funds to provide comprehensive educational programs to English learners;

(vii) Program evaluation and program planning, including a focus on building supports for struggling English learners in high school and for eligible pupils who are more age-appropriately suited for a postsecondary learning environment than for a high school, but who need more time to develop language proficiency;

(viii) Opportunities for systemic improvement to strengthen educational outcomes for English learners;

(ix) Ongoing support and oversight for implementation of corrective action plans related to program services; and

(x) Targeted technical assistance.

(2) Program monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction.

(3) The superintendent of public instruction must establish a program compliance timetable, rules, and guidelines for enforcement of this chapter. By January 1, 2019, and in compliance with RCW 43.01.036, the superintendent must submit this information to the appropriate committees of the legislature.

(4) The superintendent of public instruction may adopt rules to implement this section.

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