

# HOUSE BILL REPORT

## HB 1686

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to aligning definitions relating to the transitional bilingual instruction program.

**Brief Description:** Aligning definitions relating to the transitional bilingual instruction program.

**Sponsors:** Representatives Santos, Harris and Muri; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:**

Education: 2/13/17, 2/14/17 [DP].

**Brief Summary of Bill**

- Aligns definitions in the Transitional Bilingual Instruction Program to definitions in federal education law by modifying the definition of "eligible pupil," establishing a new definition of "native language," and repealing the definition of "primary language."

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Muri, Assistant Ranking Minority Member; Bergquist, Johnson, Kilduff, Lovick, Ortiz-Self, Senn, Slatter, Springer and Stokesbary.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Harris, Ranking Minority Member; Caldier, Hargrove, Steele and Volz.

**Minority Report:** Without recommendation. Signed by 1 member: Representative McCaslin.

**Staff:** Ethan Moreno (786-7386).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Transitional Bilingual Instruction Program (TBIP) is part of the state's program of basic education. The TBIP requires all school districts to provide a system of instruction in two languages, one of which is English, as a means of building upon and expanding language skills to enable qualifying students to achieve competency in English. All school districts also must make available a program of instructional support for students who have exited the TBIP and achieved English proficiency for purposes of the TBIP, but who need assistance in reaching grade-level performance in academic subjects.

According to the Office of the Superintendent of Public Instruction, in the 2014-15 school year, 119,844 students in Washington were English language learners, with nearly all of these students (118,526) enrolled in the TBIP.

State criteria for participating in the TBIP is determined according to eligibility requirements in statute and the use of an English test for students that is approved by the Superintendent of Public Instruction.

Provisions governing the administration of the TBIP include relevant definitions. For example:

- "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; and
- "primary language" means the language most often used by the student for communication in his/her home.

The federal Elementary and Secondary Education Act of 1965 (ESEA) is the federal policy and funding assistance framework for the nation's public education system. The ESEA supports supplemental instruction and services for language acquisition for qualifying students.

Under the ESEA, the term "English learner" is defined as an individual:

- who is age 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- who was not born in the United States or whose native language is a language other than English:
  - who is a Native American or Alaska Native, or a native resident of the outlying areas, and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
  - who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
  - the ability to meet the challenging state academic standards;
  - the ability to successfully achieve in classrooms where the language of instruction is English; or
  - the opportunity to participate fully in society.

The ESEA defines the term "native language," when used in reference to an individual of limited English proficiency, as the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

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**Summary of Bill:**

Definitions in provisions governing the TBIP are modified to align with federal definitions for "English learner" and "native language" in the ESEA. The modifications are as follows:

- "eligible pupil" means any enrollee of the school district:
    - who was not born in the United States or whose native language is a language other than English;
      - who is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency; or
      - who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
    - whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual: the ability to meet or exceed the state academic standards as measured by the statewide student assessment used for state or federal accountability purposes; the ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society;
  - "native language" means the language normally used by the student, or in the case of a child or youth, the language normally used by the parents of the child or youth; and
  - the definition of "primary language" is repealed.
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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Staff from the Office of the Superintendent of Public Instruction identified the need to update the eligibility criteria for the TBIP. The criteria needs to be updated to better align with federal civil rights laws and a federal grant program that provides funding for students who need English language instructional services. The TBIP eligibility criteria does not recognize the language needs of qualifying Native American and Alaska Native students, and it should be expanded to include those students.

(Opposed) None.

**Persons Testifying:** Dierk Meirbachtol, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.