

HOUSE BILL REPORT

HB 2616

As Reported by House Committee On:
Education

Title: An act relating to expanding the definition of eligible pupil for purposes of the transitional bilingual instruction program.

Brief Description: Expanding the definition of eligible pupil for purposes of the transitional bilingual instruction program.

Sponsors: Representatives Santos, Harris, Ortiz-Self, Hudgins and Pollet.

Brief History:

Committee Activity:

Education: 1/23/18, 1/29/18 [DP].

Brief Summary of Bill

- Expands the definition of an "eligible pupil" for the purposes of the transitional bilingual instruction program.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

Staff: Katie Choate (786-7296) and Ethan Moreno (786-7386).

Background:

Federal Requirements for Language Instruction for English Learners and Immigrant Students.

The federal Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015, is the federal policy and funding assistance framework for the nation's public education system. The purposes of Title III of the ESEA are to help ensure that English learners attain English proficiency and develop high levels of academic

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achievement in English, and to assist with the implementation of effective English language instruction educational programs, among other things.

Under the ESEA, "English learner" means an individual:

1. who is age 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school or secondary school; and
3. who either:
 - was not born in the United States or whose native language is a language other than English;
 - 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
 - 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
4. 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.

State Transitional Bilingual Instruction Program.

In 2009 the Transitional Bilingual Instruction Program (TBIP) became part of the state's program of basic education. The TBIP generally uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to engage a student to achieve competency in English. As of May 2017, 124,663 or 11.3 percent of public school students were in the TBIP.

"Eligible pupils" for the TBIP are those enrollees of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

Summary of Bill:

The definition of an "eligible pupil" for the TBIP is changed and expanded. "Eligible pupil" is defined as any enrollee of the school district who:

- was not born in the United States or whose primary language is a language other than English;

- is a Native American or Alaska Native and comes from an environment where a language other than English had a significant impact on the student's level of English language proficiency; or
- 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.

The definition also includes any enrollee of the school district 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.

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) The proposed legislation would align the definition of English learner with the federal definition, and honor the heritage and languages of Native American students. The opportunity gap for Native American and Alaskan Native students is apparent in the results of state assessments and graduation rates. The bill would bring Washington into compliance and in alignment with civil rights laws and the Every Student Succeeds Act.

This bill would allow 2,700 Native American and Alaskan Native students to receive instruction in Transitional Bilingual Instruction Programs. Student outcome data shows that effective transitional bilingual instruction services help students achieve language and literacy proficiency and meet state learning standards. The bill takes a bold step towards helping students achieve academic and career readiness.

(Opposed) None.

Persons Testifying: Patty Finnegan, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.