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**SENATE BILL 5159**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators McCoy, Zeiger, Wellman, Hasegawa, Nguyen, and Van De Wege; by request of Superintendent of Public Instruction

AN ACT Relating to the definition of eligible pupil for purposes of the transitional bilingual instruction program; and reenacting and amending RCW 28A.180.030.

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

**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:

(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~~)):

(a) Who:

(i) Was not born in the United States or whose primary language is a language other than English;

(ii) Is a Native American or Alaska Native, or a native resident of the outlying areas and 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

(iii) Is migratory, whose primary language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(b) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the:

(i) Ability to meet the state's proficient level of achievement on state assessments described in section 1111(b)(3) of the elementary and secondary education act of 1965, as amended through P.L. 114-95. enacted December 10, 2015;

(ii) Ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) Opportunity to participate fully in society.

(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; or

(b) In those cases in which the use of 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.

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