

CERTIFICATION OF ENROLLMENT

THIRD SUBSTITUTE HOUSE BILL 1228

Chapter 202, Laws of 2024

68th Legislature
2024 Regular Session

DUAL AND TRIBAL LANGUAGE EDUCATION

EFFECTIVE DATE: June 6, 2024

Passed by the House February 12, 2024
Yeas 90 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 28,
2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved March 19, 2024 2:58 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **THIRD SUBSTITUTE HOUSE BILL 1228** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 21, 2024

**Secretary of State
State of Washington**

THIRD SUBSTITUTE HOUSE BILL 1228

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by 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)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to building a multilingual, multiliterate
2 Washington through dual and tribal language education; amending RCW
3 28A.300.575 and 28A.230.125; reenacting and amending RCW 28A.180.030;
4 adding new sections to chapter 28A.300 RCW; adding a new section to
5 chapter 28A.410 RCW; creating new sections; repealing RCW
6 28A.300.574; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that a
9 multilingual, multiliterate education will benefit all Washington
10 students. A multilingual, multiliterate student body is better
11 prepared to enter a global job market, has developed cognitive skills
12 unique to working within two or more languages, and can build
13 cohesive communities across the state while sharing, celebrating, and
14 strengthening individual cultural ties.

15 (2) The legislature finds that school districts across the state
16 are demonstrating readiness to develop dual language education
17 programs, and that requests for current grant funding consistently
18 surpass available dollars.

19 (3) The legislature recognizes that English learners benefit from
20 specific instructional models and supports to thrive in public

1 schools, and that dual language education is the best instructional
2 model for providing those supports.

3 (4) The legislature finds that Washington has a special duty to
4 honor tribal sovereignty and a duty to serve American Indian and
5 Alaska Native students. The legislature recognizes that centuries of
6 colonial educational practices aimed at destruction of tribal
7 communities and cultures has resulted in intergenerational trauma
8 that continues to negatively impact American Indian and Alaska Native
9 learners, and that state investment in tribal language education
10 programs in schools serving students in kindergarten through 12th
11 grade will move all Washingtonians forward together in addressing and
12 healing those wounds.

13 (5) The legislature intends to establish a comprehensive approach
14 to support and expand dual language education and tribal language
15 education in Washington. It is the goal of the legislature to
16 annually fund at least 10 new dual language education programs that
17 begin in kindergarten, so that all school districts that want to may
18 offer a program by 2040.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
20 RCW to read as follows:

21 (1) The office of the superintendent of public instruction shall
22 administer a grant program to support school districts and state-
23 tribal education compact schools establishing and expanding dual
24 language education.

25 (a) Subject to the availability of amounts appropriated for this
26 specific purpose, the office of the superintendent of public
27 instruction must award grants to school districts and state-tribal
28 education compact schools applying to: (i) Establish a dual language
29 education program that begins in kindergarten; or (ii) expand an
30 established dual language education program.

31 (b) The office of the superintendent of public instruction must
32 identify criteria for awarding the grants, evaluate applicants, and
33 award grant money. Establishment grants must be prioritized to
34 schools in the educational opportunity gap, with the first priority
35 to schools with over 50 percent students of color.

36 (c) Recipients of the grants awarded under this subsection (1)
37 must: (i) Convene an advisory board to guide the development and
38 continuous improvement of the dual language education program,
39 including addressing enrollment considerations and staff hiring; (ii)

1 prioritize offering the program in the language that the majority of
2 its English learner students speak; (iii) conduct outreach to the
3 community; and (iv) submit data to the office of the superintendent
4 of public instruction identifying which grade levels and which
5 courses are part of the dual language education program and which
6 students are enrolled in those courses. Grant recipients must
7 actively recruit to the advisory board parents of English learner
8 students and current or former English learner students, with a goal
9 of filling at least half of the advisory board seats with these
10 individuals; the other members of the advisory board must represent
11 teachers, students, school leaders, governing board members, and
12 community-based organizations that support English learners.

13 (2) The office of the superintendent of public instruction shall
14 develop a program to support tribal language education. The office of
15 Native education within the office of the superintendent of public
16 instruction shall provide school districts and state-tribal education
17 compact schools with guidance, technical assistance, and statewide
18 leadership and support.

19 (a) The office of Native education within the office of the
20 superintendent of public instruction shall administer a grant program
21 to support school districts and state-tribal education compact
22 schools establishing and expanding tribal language education
23 programs.

24 (b) Subject to the availability of amounts appropriated for this
25 specific purpose, the office of the superintendent of public
26 instruction must award grants to school districts to: (i) Establish a
27 tribal language education program; or (ii) expand an established
28 tribal language education program.

29 (c) The office of Native education within the office of the
30 superintendent of public instruction must identify criteria for
31 awarding the grants, evaluate applicants, and award grant money.

32 (d) Recipients of the grants awarded under this subsection (2)
33 must submit data to the office of the superintendent of public
34 instruction identifying which students are enrolled in tribal
35 language education programs.

36 (e) The office of Native education within the office of the
37 superintendent of public instruction shall convene biannually up to
38 20 tribal language educators to develop and share best practices,
39 resources, and knowledge.

1 (3) The office of the superintendent of public instruction must
2 provide technical assistance and support related to the
3 establishment, implementation, and expansion of dual language
4 education and tribal language education programs.

5 (4) The office of the superintendent of public instruction may
6 adopt rules under chapter 34.05 RCW for school districts and state-
7 tribal education compact schools to establish, implement, and expand
8 dual language education and tribal language education programs.

9 (5) The definitions in this subsection apply throughout this
10 section unless the context clearly requires otherwise.

11 (a) "Dual language education" means an instructional model in
12 which public school students are taught subject matter in both
13 English and a world language other than English. "Dual language
14 education" includes heritage language education, in which students
15 develop and maintain grade level literacy and language use in the
16 language of their communities, homes, and families.

17 (b) "Tribal language education" means the revitalization of and
18 instruction in tribal languages in public schools, developed in
19 consultation with Washington's federally recognized tribes and
20 federally recognized tribes with reserved treaty rights in
21 Washington, and provided by a certificated teacher with a Washington
22 state first peoples' language, culture, and oral tribal traditions
23 endorsement established under RCW 28A.410.045.

24 (c) "World language other than English" includes sign languages,
25 for example American sign language, and indigenous languages.

26 NEW SECTION. **Sec. 3.** (1) By November 1, 2024, and in accordance
27 with RCW 43.01.036, the office of the superintendent of public
28 instruction shall report to the appropriate committees of the
29 legislature with its plan for expanding dual language education, as
30 defined in section 2 of this act, so that all school districts that
31 want to may offer a dual language education program that begins in
32 kindergarten by 2040. The plan must prioritize the expansion to reach
33 students in the educational opportunity gap first.

34 (2) This section expires August 1, 2025.

35 **Sec. 4.** RCW 28A.300.575 and 2014 c 102 s 2 are each amended to
36 read as follows:

37 (1) The Washington state seal of biliteracy is established to
38 recognize public high school graduates who have attained a high level

1 of proficiency in (~~speaking, reading, and writing in~~) English and
2 in one or more world languages (~~in addition to~~) other than English.
3 (~~School districts are encouraged to~~) Beginning with the 2025-26
4 school year, school districts shall award the seal of biliteracy to
5 graduating high school students who meet the criteria established by
6 the office of the superintendent of public instruction under this
7 section. (~~Participating school~~) School districts shall place a
8 notation on a student's high school diploma and high school
9 transcript indicating that the student has earned the seal of
10 biliteracy.

11 (2) (a) The office of the superintendent of public instruction
12 shall adopt rules establishing criteria for award of the Washington
13 state seal of biliteracy.

14 (b) The criteria must require a student to demonstrate
15 (~~proficiency~~) both:

16 (i) Proficiency in English by meeting state high school
17 graduation requirements in English, including through state
18 assessments and credits (~~, and proficiency in~~); and

19 (ii) (A) Except as provided in (b) (ii) (B) of this subsection (2),
20 proficiency in speaking, reading, and writing one or more world
21 languages other than English. (~~The~~)

22 (B) For a world language other than English that is an unwritten
23 language, the criteria must only require a student to demonstrate
24 proficiency in speaking the unwritten language.

25 (c) (i) Except as provided in (c) (ii) of this subsection (2), the
26 criteria must permit a student to demonstrate proficiency in
27 (~~another~~) a world language other than English through multiple
28 methods including nationally or internationally recognized language
29 proficiency tests and competency-based world language credits awarded
30 under the model policy adopted by the Washington state school
31 directors' association.

32 (ii) For a world language other than English that is an
33 indigenous language, the criteria must specify that only a sovereign
34 tribal government may certify a student as proficient in the language
35 of the tribe.

36 (3) The office of the superintendent of public instruction shall
37 provide students with access to methods for the student to
38 demonstrate proficiency in less commonly taught or assessed languages
39 at a cost that is not higher than that of assessing commonly taught
40 or assessed languages.

1 (4) This section governs school operation and management under
2 RCW 28A.710.040 and 28A.715.020 and applies to charter schools
3 established under chapter 28A.710 RCW and state-tribal education
4 compact schools subject to chapter 28A.715 RCW.

5 (5) For the purposes of this section, ((a)) "world language other
6 than English" ((must include American sign language and Native
7 American languages)) has the same meaning as in section 2 of this
8 act.

9 **Sec. 5.** RCW 28A.230.125 and 2019 c 252 s 111 are each amended to
10 read as follows:

11 (1) The superintendent of public instruction, in consultation
12 with the four-year institutions as defined in RCW 28B.76.020, the
13 state board for community and technical colleges, and the workforce
14 training and education coordinating board, shall develop for use by
15 all public school districts a standardized high school transcript.
16 The superintendent shall establish clear definitions for the terms
17 "credits" and "hours" so that school programs operating on the
18 quarter, semester, or trimester system can be compared.

19 (2) The standardized high school transcript ((may)) must include
20 a notation of whether the student has earned the Washington state
21 seal of biliteracy established under RCW 28A.300.575.

22 **Sec. 6.** RCW 28A.180.030 and 2013 2nd sp.s. c 9 s 3 are each
23 reenacted and amended to read as follows:

24 ((As used throughout this chapter, unless the context clearly
25 indicates otherwise:)) The definitions in this section apply
26 throughout this chapter unless the context clearly requires
27 otherwise.

28 (1) "Eligible pupil" means any enrollee of the school district
29 whose primary language is other than English and whose English
30 language skills are sufficiently deficient or absent to impair
31 learning.

32 (2) "Exited pupil" means a student previously enrolled in the
33 transitional bilingual instruction program who is no longer eligible
34 for the program based on his or her performance on an English
35 proficiency assessment approved by the superintendent of public
36 instruction.

37 (3) "Primary language" means the language most often used by the
38 student for communication in his/her home.

1 (4) "Transitional bilingual instruction" means:

2 (a) A system of instruction which uses two languages, one of
3 which is English, as a means of instruction to build upon and expand
4 language skills to enable the pupil to achieve competency in English.
5 (~~Concepts and information are introduced in the primary language and~~
6 ~~reinforced in the second language: PROVIDED, That the program shall~~
7 ~~include testing in the subject matter in English~~) Dual language
8 education and tribal language education as defined in section 2 of
9 this act are the preferred transitional bilingual instruction program
10 models; or

11 (b) In those cases in which (~~the use of~~) instruction in two
12 languages is not practicable as established by the superintendent of
13 public instruction and unless otherwise prohibited by law, an
14 alternative system of instruction which may include English as a
15 second language and is designed to enable the pupil to achieve
16 competency in English.

17 NEW SECTION. Sec. 7. A new section is added to chapter 28A.410
18 RCW to read as follows:

19 By January 1, 2025, the professional educator standards board and
20 the paraeducator board shall collaborate with the office of the
21 superintendent of public instruction and institutions of higher
22 education to align bilingual education and English language learner
23 endorsement standards and determine language assessment requirements
24 for multilingual teachers and paraeducators.

25 NEW SECTION. Sec. 8. A new section is added to chapter 28A.300
26 RCW to read as follows:

27 Beginning with the 2025-26 school year, the office of the
28 superintendent of public instruction shall provide school districts
29 and state-tribal education compact schools with program guidance,
30 technical assistance, and professional learning to serve American
31 Indian and Alaska Native students with appropriate, culturally
32 affirming literacy supports.

33 NEW SECTION. Sec. 9. RCW 28A.300.574 (Dual language learning
34 cohorts—Rules) and 2017 c 236 s 3 are each repealed.

35 NEW SECTION. Sec. 10. If specific funding for the purposes of
36 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2024, in the omnibus appropriations act, this
2 act is null and void.

Passed by the House February 12, 2024.

Passed by the Senate February 28, 2024.

Approved by the Governor March 19, 2024.

Filed in Office of Secretary of State March 21, 2024.

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