
HOUSE BILL 2590

State of Washington

65th Legislature

2018 Regular Session

By Representatives Ortiz-Self, Harris, Kilduff, Stonier, and Lovick

1 AN ACT Relating to the transitional bilingual instruction
2 program; amending RCW 28A.180.040; and adding new sections to chapter
3 28A.180 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.180
6 RCW to read as follows:

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

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

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

16 (3) School districts with program enrollment sufficient to fund a
17 1.0 full-time equivalent certificated instructional staff position
18 must spend, after indirect costs, at least seventy-five percent of
19 the transitional bilingual instruction program allocation on
20 qualified certificated staff, if such staff are available.

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

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

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

18 **Sec. 2.** RCW 28A.180.040 and 2016 c 72 s 301 are each amended to
19 read as follows:

20 (1) Every school district board of directors shall:

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

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

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

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

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

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

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

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

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

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

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

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.180
25 RCW to read as follows:

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

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

35 (i) Identification of eligible pupils;

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

38 (iii) Implementation of an approved bilingual education program
39 that, when feasible, prioritizes a two-way dual language program

1 model. When a two-way dual language program is not feasible, the
2 priority shifts to a one-way dual language program for English
3 learners;

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

6 (v) Academic support to eligible exited pupils;

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

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

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

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

20 (x) Targeted technical assistance.

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

24 (3) The superintendent of public instruction must establish a
25 program compliance timetable, rules, and guidelines for enforcement
26 of this chapter. By January 1, 2019, and in compliance with RCW
27 43.01.036, the superintendent must submit this information to the
28 appropriate committees of the legislature.

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

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