

---

SENATE BILL 5159

---

State of Washington

66th Legislature

2019 Regular Session

By Senators McCoy, Zeiger, and Wellman; by request of Superintendent of Public Instruction

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

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

5 **Sec. 1.** RCW 28A.180.030 and 2013 2nd sp.s. c 9 s 3 are each  
6 reenacted and amended to read as follows:

7 As used throughout this chapter, unless the context clearly  
8 indicates otherwise:

9 (1) "Eligible pupil" means any enrollee of the school district  
10 (~~whose primary language is other than English and whose English~~  
11 ~~language skills are sufficiently deficient or absent to impair~~  
12 ~~learning~~).

13 (a) Who:

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

16 (ii) Is a Native American or Alaska Native, or a native resident  
17 of the outlying areas and comes from an environment where a language  
18 other than English has had a significant impact on the individual's  
19 level of English language proficiency; or

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

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

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

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

13 (iii) Opportunity to participate fully in society.

14 (2) "Exited pupil" means a student previously enrolled in the  
15 transitional bilingual instruction program who is no longer eligible  
16 for the program based on his or her performance on an English  
17 proficiency assessment approved by the superintendent of public  
18 instruction.

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

21 (4) "Transitional bilingual instruction" means:

22 (a) A system of instruction which uses two languages, one of  
23 which is English, as a means of instruction to build upon and expand  
24 language skills to enable the pupil to achieve competency in English.  
25 Concepts and information are introduced in the primary language and  
26 reinforced in the second language: PROVIDED, That the program shall  
27 include testing in the subject matter in English; or

28 (b) In those cases in which the use of two languages is not  
29 practicable as established by the superintendent of public  
30 instruction and unless otherwise prohibited by law, an alternative  
31 system of instruction which may include English as a second language  
32 and is designed to enable the pupil to achieve competency in English.

--- END ---