

Multiple Agency Fiscal Note Summary

Bill Number: 1228 2S HB	Title: Dual & tribal language edu.
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Superintendent of Public Instruction	1.4	683,000	683,000	683,000	2.5	2,252,000	2,252,000	2,252,000	2.5	2,250,000	2,250,000	2,250,000
Superintendent of Public Instruction	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	1.4	683,000	683,000	683,000	2.5	2,252,000	2,252,000	2,252,000	2.5	2,250,000	2,250,000	2,250,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Brian Fechter, OFM	Phone: (360) 688-4225	Date Published: Final 2/21/2024
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Individual State Agency Fiscal Note

Bill Number: 1228 2S HB	Title: Dual & tribal language edu.	Agency: 350-Superintendent of Public Instruction
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	2.7	1.4	2.5	2.5
Account					
General Fund-State 001-1	0	683,000	683,000	2,252,000	2,250,000
Total \$	0	683,000	683,000	2,252,000	2,250,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan Wargacki	Phone: 360-786-7194	Date: 01/29/2024
Agency Preparation: Tisha Kuhn	Phone: 360 725-6424	Date: 02/02/2024
Agency Approval: TJ Kelly	Phone: 360 725-6301	Date: 02/02/2024
OFM Review: Brian Fechter	Phone: (360) 688-4225	Date: 02/02/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 (New):

Section 1: The legislature finds and recognizes the following:

- (1) Benefits of multilingual, multiliterate education for all Washington students;
- (2) School districts are demonstrating a readiness to develop dual language education programs;
- (3) English learners benefit from specific instructional models and support; and
- (4) Washington state has a duty to honor tribal sovereignty and a duty to serve American Indian and Alaska Native students.

Section 1(5): Informs that the legislature intends to establish a comprehensive approach to support and expand dual language and tribal education in Washington state and it is the legislature's goal to annually fund at least 10 new dual language education programs that begin in kindergarten, so that all school districts that want to can offer a program by 2040.

Section 2 (New):

Section 2(1): Requires the Office of Superintendent of Public Instruction (OSPI) to administer a grant program to support school districts and state-tribal education compact schools who are establishing or expanding dual language education.

Section 2(1)(a): Subject to availability of amounts appropriated for this specific purpose, requires OSPI to award grants to school districts and state-tribal education compact schools who are establishing a dual language education program that begins in kindergarten or expanding an established dual language education program.

Section 2(1)(b):

- Requires OSPI to identify criteria for awarding the grants, evaluate applicants, and award grant money.
- Requires establishment grants to be prioritized to schools in the educational opportunity gap, with the first priority to schools with over 50 percent students of color.

Section 2(1)(c): Requires recipients of the grants awarded under this subsection (1) to do the following:

- Convene an advisory board to guide the development and continuous improvement of the dual language education program, including addressing enrollment considerations and hiring staff;
- Prioritize offering the program in the language that the majority of its English learner students speak;
- Conduct outreach to the community; and
- Submit data to OSPI identifying which grade levels and which courses are part of their dual language program and which students are enrolled in those courses.
- Actively recruit to the advisory board parents of English learner students and current or former English learner students, with a goal of filling at least half of the advisory board seats with these individuals; and
- Ensure that other members of the advisory board represent teachers, students, school leaders, governing board members, and community-based organizations that support English learners.

Section 2(2):

- Requires OSPI to develop a program to support tribal language education.
- Requires the Office of Native Education (ONE) within OSPI to provide school districts and state-tribal education compact schools with guidance, technical assistance, and statewide leadership and support.

Section 2(2)(a): Requires ONE to administer a grant program to support school districts and state-tribal education compact schools who are establishing and expanding tribal language education programs.

Section 2(2)(b): Subject to availability of amounts appropriated for this specific purpose, requires OSPI to award grants to school districts who are establishing or expanding a tribal language education program.

Section 2(2)(c): Requires ONE to identify criteria for awarding the grants, evaluate applicants, and award grant money.

Section 2(2)(d): Requires recipients of the grants awarded under this subsection (2) to submit data to OSPI identifying which students are enrolled in tribal language education programs.

Section 2(2)(e): Requires ONE to hold biannual convening with up to 20 tribal language educators to develop and share best practices, resources, and knowledge.

Section 2(3): Requires OSPI to provide technical assistance and support related to the establishment, implementation, and expansion of dual language education and tribal language education programs.

Section 2(4): Informs that OSPI may adopt rules under chapter 34.05 RCW for school districts and state-tribal education compact schools to establish, implement, and expand dual language education and tribal language education programs.

Section 2(5): Defines “dual language education”, “tribal language education”, and “world language other than English”.

Section 3 (New Section)

- Requires OSPI to report to the appropriate committees of the legislature with its plan for expanding dual language education, as defined in section 2 of this act by November 1, 2024, and in accordance with RCW 43.01.036.
- Requires the plan to prioritize the expansion to reach students in the educational opportunity gap first.
- Informs that this section expires on August 1, 2025.

Section 4 (Amended):

Section 4(1):

- Strikes “speaking, reading, and writing in” and replaces it with “English and in”.
- Strikes “in addition to” and replaces it with “other than”.
- Strikes “school districts are encouraged to” and replaces it with “Beginning with the 2025-26 school year, school districts shall”.
- Strikes “Participating school” and replaces it with “School”.
- Language revised informing that the Washington state seal of biliteracy is established to recognize public high school graduates who have attained a high level of proficiency in English and in one or more world languages other than English.
- Language added requiring school districts to award the seal of biliteracy to graduating high school students who meet the criteria established by OSPI, beginning with the 2025-26 school year.
- Language added requiring school districts to place a notation on a student's high school diploma and high school transcript indicating that the student has earned the seal of biliteracy.

Section 4(2)(b):

- Strikes “proficiency” and replaces it with “both”.
- Revises the criteria for awarding the Washington state seal of biliteracy. The criteria must require a student to demonstrate both proficiency in English and except as provided in (b)(ii)(B) of this subsection (2), proficiency in speaking, reading, and writing one or more world languages other than English.
- Language added informing that for a world language other than English that is an unwritten language, the criteria must only require a student to demonstrate proficiency in speaking the unwritten language.

Section 4(2)(c):

- Strikes “another” and replaces it with “a”.
- Language added informing that except as provided in (c)(ii) of this subsection (2), the criteria must permit a student to demonstrate proficiency in a world language other than English through multiple methods including nationally or

internationally recognized language proficiency tests and competency-based world language credits awarded under the model policy adopted by the Washington State School Directors' Association (WSSDA).

- Language added informing that for a world language other than English that is an indigenous language, the criteria must specify that only a sovereign tribal government may certify a student as proficient in the language of the tribe.

Section 4(3): Language added requiring OSPI to provide students access to methods to demonstrate proficiency in less commonly taught or assessed languages at a cost that is not higher than that of assessing commonly taught or assessed languages.

Section 4(4): Language added informing that this section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW.

Section 4(5):

- Strikes “must include American sign language and Native American languages”.
- For purposes of this section, revises the definition of “a world language other than English” to have the same meaning as in Section 2 of this act.

Section 5 (Amended)

Section 5(2):

- Strikes “may” and replaces it with “must”.
- Language revised requiring the standardized high school transcript to include a notation of whether the student has earned the Washington state seal of biliteracy established under RCW 28A.300.575.

Section 6 (Amended)

Section 6: Strikes “As used throughout this chapter, unless the context clearly indicates otherwise” and replaces it with “The definitions in this section apply throughout this chapter unless the context clearly requires otherwise”.

Section 6(4)(a):

- Strikes “regarding 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”.
- Language added that dual language education and tribal language education as defined in section 2 of this act are the preferred transitional bilingual instruction program models.

Section 6(4)(b):

- Strikes the words “the use of” and replaces it with “instruction in”.
- Language added that in those cases in which instruction in two languages is not practicable as established by OSPI 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.

Section 7 (New):

- By January 1, 2025, requires PESB and the Paraeducator Board to collaborate with OSPI and institutions of higher education to align bilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.
- Informs that endorsement standards and language assessment requirements for Tribal language educators and paraeducators will continue to align with RCW 28A.410.045.

Section 8 (New):

Beginning with the 2024-25 school year, requires OSPI to provide school district and state-tribal education compact schools with program guidance, technical assistance, and professional learning to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

Section 9 (New):

Repeals RCW 28A.300.574 (Dual language learning cohorts – rules) and 2017 c 236 s 3.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

No cash receipts impact anticipated.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

OSPI Expenditure Impact:

Section 2(1) and 2(2) states that subject to the availability of amounts appropriated for this specific purpose, OSPI must administer a grant program to support school districts and state-tribal education compact schools establishing or expanding a dual language education program and establishing or expanding a tribal language education program.

To accomplish this work, OSPI assumes the following:

OSPI Grants to School Districts and State-Tribal Education Compact Schools:

Section 2: Requires OSPI to administer a grant program to support school districts and state-tribal education compact schools establishing or expanding dual language education programs and school districts and state-tribal education compact schools establishing or expanding tribal language education programs.

- Establishing or expanding dual language education programs.

The expenditure impact for dual language education program grants is indeterminate. Should the legislature choose to provide funding, OSPI assumes that 60 dual language education program grants will be awarded, ranging from \$30k-100k per district, for purposes of this fiscal note OSPI assumes that the average grant award is \$50k. The total amount for all awarded grants is approximately \$3,000,000 (60 dual language grants x \$50k per award). The funding amount is determined based on the activity level of each district (i.e. Dual Language planning, Dual Language early implementation, Dual Language expanding districts with 1-2 schools, Dual Language expanding districts with 3 or more schools, and Heritage language programs).

Grant funds will be used to support professional learning for teachers and staff members, contract work with consultants on program development, instructional materials in the non-English language, and support for family and community engagement meetings and activities.

- Establishing or expanding tribal language education programs.

The expenditure impact for tribal language education program grants is indeterminate. Should the legislature choose to provide funding, OSPI assumes that 35 tribal language education program grants will be awarded, receiving \$30k-50k per district, for purposes of this fiscal note OSPI assumes that the average grant award is \$40k. The total amount for all awarded grants is approximately \$1,400,000 (35 tribal language grants x \$40k per award). The funding amount is determined based on the current level of funding for tribal language education program grants.

Grant funds will be used to support with program start-up costs, including professional learning and curricula in the tribal language.

Staffing:

1. Assuming 60 dual language education program grants will be awarded, OSPI would need one (1) 1.0 FTE Program Supervisor, beginning in FY25 to support the implementation of the dual language education grant program, identify criteria

for awarding grants, review/approve, and provide technical support for grant applications. Program Supervisors will also provide professional learning communities to support Dual Language leaders and teachers with program development, instructional strategies, and best practices. OSPI estimates the cost to be \$167,000 in FY25 and \$156,000 per year thereafter.

2. Assuming 35 tribal language education program grants will be awarded, OSPI would need one (1) 0.8 FTE Program Supervisor, beginning in FY25 to support the implementation of the tribal language education grant program, identify criteria for awarding grants, and to review/approve grant applications, and program development. OSPI estimates the cost to be \$134,000 in FY25 and \$125,000 per year thereafter.

3. Assuming both the dual language and tribal education grant programs will award funding, OSPI would need one (1) 0.5 FTE Administrative Assistant, beginning in FY25 to support the programs. OSPI estimates the cost to be \$56,000 in FY25 and \$51,000 per year thereafter.

Section 2(2)(e) requires the Office of Native Education to convene biannually up to 20 tribal language educators to gather and share best practices, resources, and knowledge.

- OSPI estimates a cost of \$56,000 per fiscal year beginning in FY25.

Section 2(3) requires OSPI to provide technical assistance and support related to the establishment, implementation, and expansion of dual language education and tribal language education programs.

- OSPI assumes this requirement will be fulfilled by the 1.0 FTE Program Supervisor for dual language education programs and the 0.8 FTE Program supervisor for tribal language education programs identified as a need for this section.

Section 3 requires OSPI to report to the appropriate committees of the legislature with its plan for expanding dual language education, as defined in section 2 of this act by November 1, 2024, and in accordance with RCW 43.01.036.

- OSPI assumes this requirement will be fulfilled by the 1.0 FTE Program Supervisor for dual language education programs and the 0.8 FTE Program supervisor for tribal language education programs identified as a need for this section.

Section 4 states that beginning with the 2025-26 school year, school districts will award the seal of biliteracy to graduating high school and state-tribal education compact school students who meet the criteria established by OSPI and that OSPI must provide access to methods to demonstrate proficiency in less commonly taught or assessed languages at a cost that is not higher than that of assessing commonly taught or assessed languages.

- OSPI estimates contracts for up to 30 world languages educators at \$5k each who have experience and specialized knowledge in a variety of districts (e.g., small, rural, multi-high school, institutional education, and online learning) to support school districts with differentiated support and models to develop equitable language testing systems and knowledge of language proficiency development. Total cost: \$169,000 in FY25.
- OSPI anticipates hosting statewide professional learning convenings at each of the nine (9) educational service districts to support districts with the seal of biliteracy criteria. Total cost: \$28,000 in FY25.
- Beginning in FY26, OSPI estimates \$705,000 per year to develop custom language testing for approximately 2,500 students with less commonly tested languages at \$250 for each test.

Section 5 requires OSPI, in consultation with the four-year institutions as defined in RCW 28B.76.020, the State Board for Community and Technical Colleges, and the Workforce Training and Education Coordinating Board to develop for use by all public school districts a standardized high school transcript.

- This is not a new requirement and is completed within existing funds.

Section 8 focuses on developing supports and opportunities necessary to serve American Indian and Alaska Native students identified as needing additional literacy supports.

- OSPI would need one (1) 0.2 FTE Program Supervisor, beginning in FY25 to support development of program guidance, technical assistance, and statewide leadership and support for school districts and state-tribal education compact schools that serve American Indian and Alaska Native students. OSPI estimates the cost to be \$34,000 in FY26 and \$32,000 per year thereafter.

PESB Expenditure Impact:

To implement section 7 of the bill, PESB would collaborate with OSPI and institutions of higher education to align multilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators. Rulemaking would be necessary to implement the assessment, requirements, and standards alignment. Assessment adoption and standards alignment would require stakeholder and partner input (e.g. from educators, administrators, human resource personnel, and other interested parties) to ensure that the assessment and related rules do not have unintended consequences. Per the bill language, this work must be completed by January 1, 2025.

Specifically, PESB will:

1. Conduct stakeholder engagement and research activities to inform assessment adoptions, standard-setting, rule development, and standards alignment. This will include:

o Facilitate three workgroups: A workgroup on dual language and aligning the ELL and Bilingual endorsement standards, a workgroup on language proficiency options and adjusting the language proficiency requirement, and a workgroup on language proficiency options and alternate testing options. Total of 6 meetings (1 in-person, 5 virtual).

o Workgroup members shall consist of:

OSPI Multilingual and World Language department staff

Representatives from programs offering Bilingual and/or ELL endorsement

Educator Preparation Program faculty with expertise in multilingual program and English language development

LCTL (less commonly taught languages) representative

WABE (WA Association of Bilingual Educators) representative

World Language Association representative

PESB staff

PESB and Paraeducator board members

Community members

Tribal language representatives

o PESB assumes that to facilitate the workgroups, the agency will need to offer workgroup members funds for compensation in accordance with state lived experience and compensation laws, substitute reimbursement(s,) course releases for expert faculty, and potential travel to in-person and hybrid meeting(s.). Total: \$15,000

2. Find and adopt an appropriate assessment and set the standards

3. Draft rules

4. Collect, analyze, and respond to stakeholder community input and feedback on the assessment and rules

5. Present the assessment and rules to the board for feedback and approval

6. Adopt the assessment

7. Review assessment criteria and set the threshold

8. Review, adopt, revise, or redevelop the multilingual education and/or ELL endorsement competencies

9. Collaborate with OSPI to align multilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.

10. Present the alignment across multilingual education and ELL endorsement competencies

11. Finalize rules

12. Conduct assessment and rule-related communications (including internal and external, such as Code Reviser paperwork)

13. Provide post-adoption communication and outreach to those impacted

14. Provide technical support, such as the development and periodic revision of guidance to support implementation of rule and other types of technical support

This would require the following fiscal year 2025 effort and expenditures:

Cost:

\$36,000 Object A Salaries (0.4 FTE Program Manager @ \$90,000 per FTE)

\$12,000 Object B (Benefits)

\$23,000 Object E (Goods/Services)
 \$2,000 Object G (Travel)
 \$73,000 Total

Object E goods and services includes \$8,000 indirect charged by OSPI to PESB for facilities and administrative services.

For subsequent years, ongoing activities such as revising rules, ensuring fidelity of the assessment and rule implementation, and communication and outreach would fall within PESB’s regular scope of work and would not require additional resources.

For further funding information, see attached “2SHB 1228 Fiscal Note Workbook”.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	683,000	683,000	2,252,000	2,250,000
Total \$			0	683,000	683,000	2,252,000	2,250,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		2.7	1.4	2.5	2.5
A-Salaries and Wages		231,807	231,807	429,280	429,280
B-Employee Benefits		116,117	116,117	230,784	231,040
C-Professional Service Contracts		169,000	169,000	1,410,000	1,410,000
E-Goods and Other Services		38,566	38,566	33,840	33,840
G-Travel		101,566	101,566	145,840	145,840
J-Capital Outlays		25,944	25,944	2,256	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	683,000	683,000	2,252,000	2,250,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 3	52,620		0.5	0.3	0.5	0.5
PESB Program Manager	90,000		0.4	0.2		
Program Supervisor	94,165		1.8	0.9	2.0	2.0
Total FTEs			2.7	1.4	2.5	2.5

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

No capital impact anticipated.

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

2SHB 1228 OSPI Impact Summary

Sec.	Description of Cost	FY25	FY26	FY27	FY28	FY29	Notes
2	Sec. 2(1)(a) - Dual Language Grant Program	Indeterminate					Indeterminate (assume 60 grants x \$50k = \$3M)
	Sec. 2(2)(a) - Tribal Language Grant Program	Indeterminate					Indeterminate (assume 35 grants x \$40k = \$1.4M)
	Section 2 Staff	357,000	332,000	332,000	332,000	332,000	
	Sec. 2(2)(e) - ONE Professional Learning	56,000	56,000	56,000	56,000	56,000	Biannual convening w/ 20 Tribal Educators
	Sec. 2(3) - Technical Assistance	No cost. Assume to use staff identified in Sec. 2					
	Sec. 2(4): Rules	No cost. Not a requirement.					
3	Sec. 3(1) - Report to the Legislature	No cost. Assume to use staff identified in Sec. 2					
4	Statewide Convenings	28,000	0	0	0	0	
	World Languages Educator Contracts	169,000	0	0	0	0	30 educators x \$5k = \$150k + indirects
	Custom Language Testing	0	705,000	705,000	705,000	705,000	2,500 students x \$250 = \$625k + indirects
5	Sec. 5(2) - Standardized Testing Notation	No cost. Assume to use staff identified in Sec. 2					
7	PESB Staff	73,000	0	0	0	0	
8	Section 8 Staff	0	34,000	32,000	32,000	32,000	
Total:		683,000	1,127,000	1,125,000	1,125,000	1,125,000	

Individual State Agency Fiscal Note

Bill Number: 1228 2S HB	Title: Dual & tribal language edu.	Agency: SDF-School District Fiscal Note - SPI
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan Wargacki	Phone: 360-786-7194	Date: 01/29/2024
Agency Preparation: Tisha Kuhn	Phone: 360 725-6424	Date: 02/20/2024
Agency Approval: TJ Kelly	Phone: (360) 725-6301	Date: 02/20/2024
OFM Review: Brian Fechter	Phone: (360) 688-4225	Date: 02/21/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 (New):

Section 1: The legislature finds and recognizes the following:

- (1) Benefits of multilingual, multiliterate education for all Washington students;
- (2) School districts are demonstrating a readiness to develop dual language education programs;
- (3) English learners benefit from specific instructional models and support; and
- (4) Washington state has a duty to honor tribal sovereignty and a duty to serve American Indian and Alaska Native students.

Section 1(5): Informs that the legislature intends to establish a comprehensive approach to support and expand dual language and tribal education in Washington state and it is the legislature's goal to annually fund at least 10 new dual language education programs that begin in kindergarten, so that all school districts that want to can offer a program by 2040.

Section 2 (New):

Section 2(1): Requires the Office of Superintendent of Public Instruction (OSPI) to administer a grant program to support school districts and state-tribal education compact schools who are establishing or expanding dual language education.

Section 2(1)(a): Subject to availability of amounts appropriated for this specific purpose, requires OSPI to award grants to school districts and state-tribal education compact schools who are establishing a dual language education program that begins in kindergarten or expanding an established dual language education program.

Section 2(1)(b):

- Requires OSPI to identify criteria for awarding the grants, evaluate applicants, and award grant money.
- Requires establishment grants to be prioritized to schools in the educational opportunity gap, with the first priority to schools with over 50 percent students of color.

Section 2(1)(c): Requires recipients of the grants awarded under this subsection (1) to do the following:

- Convene an advisory board to guide the development and continuous improvement of the dual language education program, including addressing enrollment considerations and hiring staff;
- Prioritize offering the program in the language that the majority of its English learner students speak;
- Conduct outreach to the community; and
- Submit data to OSPI identifying which grade levels and which courses are part of their dual language program and which students are enrolled in those courses.
- Actively recruit to the advisory board parents of English learner students and current or former English learner students, with a goal of filling at least half of the advisory board seats with these individuals; and
- Ensure that other members of the advisory board represent teachers, students, school leaders, governing board members, and community-based organizations that support English learners.

Section 2(2):

- Requires OSPI to develop a program to support tribal language education.
- Requires the Office of Native Education (ONE) within OSPI to provide school districts and state-tribal education compact schools with guidance, technical assistance, and statewide leadership and support.

Section 2(2)(a): Requires ONE to administer a grant program to support school districts and state-tribal education compact schools who are establishing and expanding tribal language education programs.

Section 2(2)(b): Subject to availability of amounts appropriated for this specific purpose, requires OSPI to award grants to school districts who are establishing or expanding a tribal language education program.

Section 2(2)(c): Requires ONE to identify criteria for awarding the grants, evaluate applicants, and award grant money.

Section 2(2)(d): Requires recipients of the grants awarded under this subsection (2) to submit data to OSPI identifying which students are enrolled in tribal language education programs.

Section 2(2)(e): Requires ONE to hold biannual convening with up to 20 tribal language educators to develop and share best practices, resources, and knowledge.

Section 2(3): Requires OSPI to provide technical assistance and support related to the establishment, implementation, and expansion of dual language education and tribal language education programs.

Section 2(4): Informs that OSPI may adopt rules under chapter 34.05 RCW for school districts and state-tribal education compact schools to establish, implement, and expand dual language education and tribal language education programs.

Section 2(5): Defines “dual language education”, “tribal language education”, and “world language other than English”.

Section 3 (New Section)

- Requires OSPI to report to the appropriate committees of the legislature with its plan for expanding dual language education, as defined in section 2 of this act by November 1, 2024, and in accordance with RCW 43.01.036.
- Requires the plan to prioritize the expansion to reach students in the educational opportunity gap first.
- Informs that this section expires on August 1, 2025.

Section 4 (Amended):

Section 4(1):

- Strikes “speaking, reading, and writing in” and replaces it with “English and in”.
- Strikes “in addition to” and replaces it with “other than”.
- Strikes “school districts are encouraged to” and replaces it with “Beginning with the 2025-26 school year, school districts shall”.
- Strikes “Participating school” and replaces it with “School”.
- Language revised informing that the Washington state seal of biliteracy is established to recognize public high school graduates who have attained a high level of proficiency in English and in one or more world languages other than English.
- Language added requiring school districts to award the seal of biliteracy to graduating high school students who meet the criteria established by OSPI, beginning with the 2025-26 school year.
- Language added requiring school districts to place a notation on a student's high school diploma and high school transcript indicating that the student has earned the seal of biliteracy.

Section 4(2)(b):

- Strikes “proficiency” and replaces it with “both”.
- Revises the criteria for awarding the Washington state seal of biliteracy. The criteria must require a student to demonstrate both proficiency in English and except as provided in (b)(ii)(B) of this subsection (2), proficiency in speaking, reading, and writing one or more world languages other than English.
- Language added informing that for a world language other than English that is an unwritten language, the criteria must only require a student to demonstrate proficiency in speaking the unwritten language.

Section 4(2)(c):

- Strikes “another” and replaces it with “a”.
- Language added informing that except as provided in (c)(ii) of this subsection (2), the criteria must permit a student to demonstrate proficiency in a world language other than English through multiple methods including nationally or

internationally recognized language proficiency tests and competency-based world language credits awarded under the model policy adopted by the Washington State School Directors' Association (WSSDA).

- Language added informing that for a world language other than English that is an indigenous language, the criteria must specify that only a sovereign tribal government may certify a student as proficient in the language of the tribe.

Section 4(3): Language added requiring OSPI to provide students access to methods to demonstrate proficiency in less commonly taught or assessed languages at a cost that is not higher than that of assessing commonly taught or assessed languages.

Section 4(4): Language added informing that this section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW.

Section 4(5):

- Strikes “must include American sign language and Native American languages”.
- For purposes of this section, revises the definition of “a world language other than English” to have the same meaning as in Section 2 of this act.

Section 5 (Amended)

Section 5(2):

- Strikes “may” and replaces it with “must”.
- Language revised requiring the standardized high school transcript to include a notation of whether the student has earned the Washington state seal of biliteracy established under RCW 28A.300.575.

Section 6 (Amended)

Section 6: Strikes “As used throughout this chapter, unless the context clearly indicates otherwise” and replaces it with “The definitions in this section apply throughout this chapter unless the context clearly requires otherwise”.

Section 6(4)(a):

- Strikes “regarding 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”.
- Language added that dual language education and tribal language education as defined in section 2 of this act are the preferred transitional bilingual instruction program models.

Section 6(4)(b):

- Strikes the words “the use of” and replaces it with “instruction in”.
- Language added that in those cases in which instruction in two languages is not practicable as established by OSPI 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.

Section 7 (New):

- By January 1, 2025, requires PESB and the Paraeducator Board to collaborate with OSPI and institutions of higher education to align bilingual education and English language learner endorsement standards and determine language assessment requirements for multilingual teachers and paraeducators.
- Informs that endorsement standards and language assessment requirements for Tribal language educators and paraeducators will continue to align with RCW 28A.410.045.

Section 8 (New):

Beginning with the 2024-25 school year, requires OSPI to provide school district and state-tribal education compact schools with program guidance, technical assistance, and professional learning to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

Section 9 (New):

Repeals RCW 28A.300.574 (Dual language learning cohorts – rules) and 2017 c 236 s 3.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

OSPI Grants to School Districts and State-Tribal Education Compact Schools:

Section 2: Requires OSPI to administer a grant program to support school districts and state-tribal education compact schools establishing or expanding dual language education programs and school districts and state-tribal education compact schools establishing or expanding a tribal language education program.

- Establishing or expanding dual language education programs.

The cash receipt impact for dual language education program grants is indeterminate. Should the legislature choose to provide funding, OSPI assumes that 55 dual language education program grants will be awarded, ranging from \$30k-100k per district. The funding amount is determined based on the activity level of each district (i.e. Dual Language planning, Dual Language early implementation, Dual Language expanding districts with 1-2 schools, Dual Language expanding districts with 3 or more schools, and Heritage language programs).

Grant funds will be used to support professional learning for teachers and staff members, contract work with consultants on program development, instructional materials in the non-English language, and support for family and community engagement meetings and activities.

- Establishing or expanding tribal language education programs.

The cash receipt impact for tribal language education program grants is indeterminate. Should the legislature choose to provide funding, OSPI assumes that 40 tribal language education program grants will be awarded, receiving \$30k per district. The funding amount is determined based on the current level of funding for tribal language education program grants.

Grant funds will be used to support with program start-up costs, including professional learning and curricula in the tribal language.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Section 2(1) and 2(2) states that subject to the availability of amounts appropriated for this specific purpose, OSPI must administer a grant program to support school districts and state-tribal education compact schools establishing or expanding a dual language education program and establishing or expanding a tribal language education program.

To accomplish this work, OSPI assumes the following:

OSPI Grants to School Districts and State-Tribal Education Compact Schools:

Section 2: Requires OSPI to administer a grant program to support school districts and state-tribal education compact schools establishing or expanding dual language education programs and school districts and state-tribal education compact schools establishing or expanding tribal language education programs.

- Establishing or expanding dual language education programs.

The expenditure impact for dual language education program grants is indeterminate. Should the legislature choose to provide funding, OSPI assumes that 60 dual language education program grants will be awarded, ranging from \$30k-100k per district, for purposes of this fiscal note OSPI assumes that the average grant award is \$50k. The total amount for all

awarded grants is approximately \$3,000,000 (60 dual language grants x \$50k per award). The funding amount is determined based on the activity level of each district (i.e. Dual Language planning, Dual Language early implementation, Dual Language expanding districts with 1-2 schools, Dual Language expanding districts with 3 or more schools, and Heritage language programs).

Grant funds will be used to support professional learning for teachers and staff members, contract work with consultants on program development, instructional materials in the non-English language, and support for family and community engagement meetings and activities.

- Establishing or expanding tribal language education programs.

The expenditure impact for tribal language education program grants is indeterminate. Should the legislature choose to provide funding, OSPI assumes that 35 tribal language education program grants will be awarded, receiving \$30k-50k per district, for purposes of this fiscal note OSPI assumes that the average grant award is \$40k. The total amount for all awarded grants is approximately \$1,400,000 (35 tribal language grants x \$40k per award). The funding amount is determined based on the current level of funding for tribal language education program grants.

Grant funds will be used to support with program start-up costs, including professional learning and curricula in the tribal language.

Section 2(1)(c) lists the requirements that grant recipients of the dual language grants awarded under this subsection (1) must do to include, convening an advisory board; prioritizing offering the program in the language that the majority of its English learner students speak; conducting outreach to the community; submitting data to OSPI; actively recruit to the advisory board parents of English learner students and current or former English learner students; and ensure that other members of the advisory board represent teachers, students, school leaders, governing board members, and community-based organizations that support English learners.

- There is no expenditure impact anticipated for this section. OSPI assumes that any potential expenditure impact created as a result of the grant recipient requirements would be funded using the awarded grant funding for that school district and/or state-tribal education compact school.

Section 2(2)(d) requires recipients of the tribal language grants awarded under this subsection (2) to submit data to OSPI identifying which students are enrolled in tribal language education programs.

- There is no expenditure impact anticipated for this section. OSPI currently collects necessary data from school districts and/or state-tribal education compact schools to support the requirements of this section.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

No capital budget impact is anticipated.

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.