

Department of Ecology will proceed with adoption of functional standards for solid waste management while utilizing its advisory committee on solid waste management for review and comment.

The remaining sections of the bill are approved.*

CHAPTER 124

[Engrossed Substitute House Bill No. 1456] TRANSITIONAL BILINGUAL INSTRUCTION

AN ACT Relating to transitional bilingual instruction; amending section 1, chapter 95, Laws of 1979 and RCW 28A.58.800; amending section 2, chapter 95, Laws of 1979 and RCW 28A.58.802; amending section 3, chapter 95, Laws of 1979 and RCW 28A.58.804; amending section 4, chapter 95, Laws of 1979 and RCW 28A.58.806; amending section 5, chapter 95, Laws of 1979 and RCW 28A.58.808; amending section 6, chapter 95, Laws of 1979 and RCW 28A.58.810; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 95, Laws of 1979 and RCW 28A.58.800 are each amended to read as follows:

RCW 28A.58.800 through 28A.58.810 shall be known and cited as "The Transitional Bilingual Instruction Act (~~of 1979~~)". The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. (~~Experience has shown that classes which are taught in English are inadequate to meet the needs of these children.~~) The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.58.800 through 28A.58.810 to provide for the implementation of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to (~~help local~~) school districts to meet the extra costs of these programs.

Sec. 2. Section 2, chapter 95, Laws of 1979 and RCW 28A.58.802 are each amended to read as follows:

As used in RCW 28A.58.800 through 28A.58.810, unless the context thereof indicates to the contrary:

(1) "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.

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

(3) "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 ~~((when taught only in English, but shall not include pupils who are equally or almost equally competent in English and other languages)).~~

Sec. 3. Section 3, chapter 95, Laws of 1979 and RCW 28A.58.804 are each amended to read as follows:

Every school district board of directors shall:

(1) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction ~~((: PROVIDED, That such rules shall provide that any school district with a limited number of pupils of the same non-English dominant language shall not be required to activate a new bilingual program but may carry on an alternative instructional program utilizing resources available to the district)).~~

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) ~~((Annually))~~ Determine, by administration of ~~((α))~~ an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases. If, however, a preliminary interview indicates little or no English speaking ability, eligibility testing shall not be necessary.

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

~~((4))~~ (5) Provide in-service training for ~~((att))~~ teachers, counselors, and other staff, who are involved in the district's transitional bilingual ~~((education within the district))~~ program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and ~~((bilingual))~~ program models.

Sec. 4. Section 4, chapter 95, Laws of 1979 and RCW 28A.58.806 are each amended to read as follows:

Every school district board of directors may appoint, maintain, and receive recommendations from an advisory committee ~~((of persons including))~~

which includes parents whose children are in the transitional bilingual instruction program (~~(and bilingual)~~), teachers, and other staff members.

Sec. 5. Section 5, chapter 95, Laws of 1979 and RCW 28A.58.808 are each amended to read as follows:

The superintendent of public instruction shall (~~(prepare and)~~):

(1) Promulgate and issue (~~(prior to September, 1979;)~~) program development guidelines to assist school districts in preparing their programs(~~(:)~~);

(2) Promulgate rules for implementation of (~~(this bilingual instruction act shall be promulgated by the superintendent of public instruction)~~) RCW 28A.58.800 through 28A.58.810 in accordance with chapter 34.04 RCW (~~(no later than May 15, 1980)~~). The rules shall be designed to maximize the role of school districts in selecting programs appropriate to meet the needs of eligible students. The rules shall identify the process and criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction pursuant to RCW 28A.58.800 through 28A.58.810.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to be codified between RCW 28A.58.800 and 28A.58.810 to read as follows:

School districts may enrich the programs required by RCW 28A.58.800 through 28A.58.810: PROVIDED, That such enrichment shall not constitute a basic education responsibility of the state.

**Sec. 7. Section 6, chapter 95, Laws of 1979 and RCW 28A.58.810 are each amended to read as follows:*

The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for transitional bilingual instruction programs. Moneys appropriated by the legislature for the purposes of RCW 28A.58.800 through 28A.58.810 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved transitional bilingual instruction program(~~(; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)~~).

An eligible student may receive no more than three school years of transitional bilingual instruction as defined in RCW 28A.58.802(1)(a).

School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of RCW 28A.58.800 through 28A.58.810.

*Sec. 7. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The superintendent of public instruction shall review annually the transitional bilingual instruction program and shall submit a report of such review to the legislature on or before January 1 of each year.

Passed the House February 28, 1984.

Passed the Senate February 25, 1984.

Approved by the Governor March 7, 1984, with the exception of section 7, which was vetoed.

Filed in Office of Secretary of State March 7, 1984.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 7, Engrossed Substitute House Bill No. 1456, entitled:

"AN ACT Relating to transitional bilingual instruction."

Section 7 of this bill prohibits the provision of transitional bilingual instruction to an individual student for more than three years. Federal and state courts have found that children with limited ability to speak English have a constitutional right to an appropriate program of special instruction. This right is based on the individual student's need for assistance in order to participate in the basic public education program offered in English for all children. Both the existing statutory provisions and the language I proposed in my Special Needs bill provide an opportunity for districts to provide transitional bilingual education for longer periods of time if termination of services would inhibit the child's access to a basic education.

With the exception of section 7, which I have vetoed, Engrossed Substitute House Bill No. 1456 is approved."

CHAPTER 125

[Substitute Senate Bill No. 3238]

PLANNING AND COMMUNITY AFFAIRS AGENCY NAME CHANGED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT

AN ACT Relating to the planning and community affairs agency; amending section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; amending section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; amending section 4, chapter 74, Laws of 1967 as amended by section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; amending section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; amending section 10, chapter 74, Laws of 1967 and RCW 43.63A.100; amending section 2, chapter 269, Laws of 1981 and RCW 43.63A.190; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 9, chapter 10, Laws of 1982 as amended by section 27, chapter 161, Laws of 1983 and RCW 42.17.240; amending section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; amending section 2, chapter 19, Laws of 1977 ex. sess. as amended by section 149, chapter 151, Laws of 1979 and RCW 43.132.020; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39-.070; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 21, chapter 99,