

HOUSE BILL REPORT

HB 1815

As Reported by House Committee On:
Education
Appropriations Subcommittee on Education

Title: An act relating to assuring that education-related information is appropriately provided by public schools to parents with diverse cultural and linguistic backgrounds.

Brief Description: Assuring that education-related information is appropriately provided to parents with diverse cultural and linguistic backgrounds.

Sponsors: Representatives Moscoso, Appleton, Dahlquist, Ryu, Roberts, Pettigrew, Takko, Maxwell, Pollet, Fey, Santos and Tharinger.

Brief History:

Committee Activity:

Education: 2/20/13, 1/15/14, 1/22/14 [DPS];

Appropriations Subcommittee on Education: 1/29/14, 2/6/14 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- Directs the Washington State School Directors' Association, if funds are appropriated, to develop a model Language Access policy and procedure by June 1, 2015, that requires use of adult language interpreters, not students, for school meetings.
- Requires development of a list of guidelines, best practices, and interpretation and translation resources for school districts to be provided electronically and updated annually.
- Requires school districts, at a minimum, to adopt the model Language Access policy by August 1, 2016.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fey, Haigh, Hawkins, Hayes, S. Hunt, Lytton, Muri, Orwall, Parker, Pollet, Seaquist and Warnick.

Minority Report: Do not pass. Signed by 2 members: Representatives Hargrove and Klippert.

Staff: Barbara McLain (786-7383).

Background:

According to the Office of the Superintendent of Public Instruction (OSPI), 94,176 students in May of 2013 were English Language Learners enrolled in the Transitional Bilingual Instruction Program (TBIP), representing 9 percent of total student enrollment. Data from the TBIP indicates students spoke more than 200 different languages.

The OSPI website contains a variety of information regarding communication with Limited English Proficient (LEP) parents and families that could be used by school districts or parents directly. There are samples of translated notices from districts to parents and translated resources for parents on topics such as special education, health and safety, student and parent rights, and graduation requirements. The OSPI has also issued guidance to school districts regarding their responsibilities under Title VI of the Civil Rights Act of 1964 to provide LEP parents and families access to vital school information in a language they can understand.

The Washington State School Directors' Association (WSSDA) is an organization made up of all school board members in the state. One of the services provided by the WSSDA for local school boards is development of model policies and procedures on a variety of topics.

Summary of Substitute Bill:

If funds are appropriated for this purpose, the WSSDA must develop a model Language Access policy and procedure for adoption by school districts, in consultation with the OSPI and other education agencies, parents with diverse cultural and linguistic backgrounds, and interested education associations. The model policy must be developed by June 1, 2015.

At a minimum, the policy and procedure must:

- be aligned with federal and state laws pertaining to the rights of parents of public school students to language access; and
- require use of adult language interpreters, not students, for school meetings about high stakes educational situations.

The workgroup convened by the WSSDA to develop the model policy must compile a list of guidelines, best practices, interpretation and translation contractual services, and electronic or telephonic services for oral interpretation and translation of written communications. The list must be made available electronically by September 1, 2015, and updated annually. The workgroup must also establish a definition "high-stakes educational situations" for purposes

of the model policy, taking into consideration discussions of academics, health and safety, and disciplinary matters.

Each school district must, at a minimum, adopt the model Language Access policy by August 1, 2016.

Substitute Bill Compared to Original Bill:

The WSSDA adopts the model policy if funds are appropriated for this purpose. The due date for the policy is changed from April 15, 2014, to June 1, 2015, and the date for school district adoption is moved from 2015 to 2016. The workgroup compiles a list of guidelines and best practices, rather than having the WSSDA develop a manual. The list is provided electronically and will be updated annually. The workgroup also establishes a definition of "high-stakes educational situations," rather than including a definition in the bill.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is a need for a comprehensive language access policy, including an examination of how often translation and interpretation services are needed, who provides them, what is their skill level, and what are the options for school districts. This is a low cost, high impact bill to address serious language access issues. Issues of student health, transportation, and domestic violence are all very important conversations between schools and parents, in addition to standard academic concerns. All interpreters must be trained in confidentiality and ethics. They must provide word-for-word translation and not independent advice. The Office of Education Ombuds (OEO) and the WSSDA have been working with the sponsor on some amendments.

Communication is critical to parent engagement, and parent engagement is critical in closing the educational opportunity gap. The use of children as interpreters for their parents must stop. A focus group of parents in South King County identified this as one of their major concerns. There must be a pathway for native speakers to provide interpretation assistance. The standards should not exclude them. Language access is a civil right. A review would probably find that public schools are in violation of Title VI. It is difficult enough to figure out education jargon in one's own language. Imagine not speaking English in these situations. District practices must be aligned with the law.

(In support with concerns) Last year there were some concerns about the definition of high stakes educational situations and the timeline for the policy, but there has been work on some different language to address them. Moving the due date to from April to June would allow

more opportunity for a feasibility study. It is not in the WSSDA wheelhouse to do a manual. It would be preferable to create a list of best practices to be posted electronically and updated regularly. The WSSDA should convene a workgroup to develop a definition of high stakes educational situations. There is a small fiscal impact to do the work correctly.

(Opposed) None.

Persons Testifying: (In support) Representative Moscoso, prime sponsor; Stacy Gillett, Office of the Education Ombuds; Emily Murphy, One America; Milena Calderari-Waldron, Northwest Interpreters and Notis Translators Society; and Miguel Perez-Gibson, Progreso Latino Alliance.

(In support with concerns) Marie Sullivan, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 10 members: Representatives Haigh, Chair; Fagan, Ranking Minority Member; Carlyle, Dahlquist, Haler, Lytton, Pettigrew, Seaquist, Sullivan and Wilcox.

Staff: Jessica Harrell (786-7349).

Summary of Recommendation of Committee On Appropriations Subcommittee on Education Compared to Recommendation of Committee On Education:

A null and void clause is added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This bill does not place any new requirements on school districts. The costs are limited to the workgroup.

(Opposed) None.

Persons Testifying: Representative Moscoso, prime sponsor; and Stacey Gillett, Office of Education Ombudsman.

Persons Signed In To Testify But Not Testifying: None.