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**SUBSTITUTE HOUSE BILL 1153**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** House Education (originally sponsored by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, J. Johnson, Simmons, and Valdez)

AN ACT Relating to language access in public schools; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; repealing RCW 28A.155.230; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state.

(b) According to a report from the United States department of education, 50 years of research has shown that family engagement has beneficial impacts on student grades, test scores, lower drop-out rates, and students' sense of competence and beliefs about the importance of education. Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps.

(c) The national center for education statistics estimates that 27.9 percent of the parents of Washington public school students speak a language other than English. Failure to provide language access hinders communication between schools and families, which leads to long-term economic costs when a substantial fraction of the students in Washington are not able to realize their full potential.

(d) Effective communication is not taking place for a variety of reasons, including: (i) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (ii) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (iii) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters in educational settings outside the classroom, or when to provide translated documents; and (iv) there are not enough interpreters qualified to work in educational settings.

(e) Providing meaningful, equitable language access to students and their family members who have language access barriers is not only a civil right, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in their student's education.

(2) Therefore, the legislature intends to require public schools to implement a language access program for culturally responsive, systemic family engagement developed through meaningful stakeholder engagement. The legislature intends to provide training, tools, and other technical assistance to public schools to support the development, implementation, and evaluation of their language access programs. In addition, the legislature intends to direct a work group with diverse members to provide recommendations on standards, training, testing, and credentialing for spoken and sign language interpreters for students' families.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.605 RCW to read as follows:

The principles of an effective language access program for culturally responsive, systemic family engagement are as follows:

(1) Accessibility and equity. Schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services;

(2) Accountability and transparency. The language access program and decision-making processes at all levels are: Open, accessible, and useable to families; proactive, not reactive; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process;

(3) Responsive culture. Schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families; and

(4) Focus on relationships. Schools seek to relate to families on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction must establish and implement a language access technical assistance program that meets the requirements of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the language access technical assistance program must:

(a) Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement described in section 2 of this act;

(b) Provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement required under sections 4 and 6 of this act;

(c) Develop, periodically update, and publish a language access toolkit that includes the following resources:

(i) A self-assessment for evaluating the provision of language assistance services;

(ii) A guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that meets the specific needs of families and the community;

(iii) Best practices for using dual role staff as interpreters, for using contract interpreters, for using remote interpretation, and for translating documents;

(iv) Model information for families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly spoken by students and their families; and

(v) Sample job description of school district language access coordinators and school points of contact for language assistance services;

(d) Develop, periodically update, and publish bilingual glossaries of education terminology; and

(e) Analyze and publish language access and language assistance service information submitted as required under section 5 of this act. To the extent possible, the published information must be disaggregated by race, ethnicity, language, school district and school, type of meeting, and other demographics or categories.

(3) The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2022-23 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(1) Administer the self-assessment for evaluating the provision of language assistance services, which is part of the toolkit described in section 3 of this act;

(2) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 3 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

(3) Adopt a language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement described in section 2 of this act, and incorporates the model policy and procedures described in section 7 of this act;

(4)(a) Except as required under (b) of this subsection (4), school districts are encouraged to have a language access coordinator with the duties described in (c) of this subsection (4);

(b) School districts with at least 50 percent English learner enrollment or greater than 75 languages spoken by students or families must either: (i) Have a full-time language access coordinator with the duties described in (c) of this subsection (4); or (ii) annually report to the office of the superintendent of public instruction the total number of hours district staff spent performing the language access coordinator duties described in (c) of this subsection (4) and other information as required by the office of the superintendent of public instruction;

(c) The duties of the school district language access coordinator are to: (i) Serve as the primary contact for families, community members, school district staff responsible for monitoring compliance with chapter 28A.642 RCW, the office of the superintendent of public instruction, and the office of the education ombuds on issues related to language access needs and language assistance services; (ii) collaborate with any school points of contact for language assistance services; (iii) receive training and technical assistance provided under section 3 of this act; and (iv) deliver language assistance training and support to school district staff; and

(5) Review, update, and publish, at least annually, information about the school district's language access policy and language assistance services. The information must include notice to families about their right to free language assistance services and the contact information for any school district language access coordinator and any school points of contact for language assistance services. The information must be translated into common languages understood by students' families.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts must annually collect the following information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Feedback from participants in each interpreted meeting on the effectiveness of the interpreter and the provision of language assistance services;

(c) Whether a qualified interpreter for the student's family was requested for and provided at any planning meeting related to a student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 and meetings related to school discipline and truancy. For the purpose of this subsection (1)(c), "qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary; and

(d) Other data on provision of language assistance services.

(2) The information collected under subsection (1)(a) and (c) of this section must be submitted at the time and in the manner required by the office of the superintendent of public instruction.

(3) The office of the superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.710 RCW to read as follows:

Sections 4 and 5 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.345 RCW to read as follows:

(1) By February 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community.

(b) The elements of the model policy and procedures must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.630 RCW to read as follows:

(1) The office of the superintendent of public instruction and the office of the education ombuds must jointly reconvene an expanded version of the work group established in section 2, chapter 256, Laws of 2019. The purpose of the work group is to develop recommendations related to: (a) Standards, training, testing, and credentialing for spoken and sign language interpreters for students' families; and (b) a plan for collecting information related to language access coordinators in schools and school districts.

(2) In developing recommendations, the work group must review the following resources:

(a) The October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019;

(b) National and other state standards for spoken and sign language interpretation; and

(c) Available training, testing, and credentialing programs for interpreters who provide interpretation for students' families.

(3) With regard to standards, the work group must consider recommendations related to standards of ethics, cultural competency as defined in RCW 28A.410.260, and practice that qualify interpreters to provide spoken or sign language interpretation for students' families.

(4) With regard to a program for training, testing, and credentialing interpreters for students' families, the work group must, at a minimum, consider the following questions:

(a) Whether the credential should be a certificate of completion, a professional license, or another type of credential;

(b) Whether there should be ongoing training or testing requirements associated with the credential;

(c) Whether training and testing should be offered through online modules, in-person, as part of a community and technical college program, through educational service districts, or a combination of these methods;

(d) Whether training and testing should be standardized and uniform across providers;

(e) Whether any new training, testing, and credentialing requirements should apply to existing interpreters;

(f) Whether any aspects of the program should be different for dual language paraeducators versus professionally licensed interpreters; and

(g) Whether completion of any aspect of the program should be incentivized or required.

(5) The work group must design a plan for effectively collecting valid and reliable information about school district language access coordinators. Information collected may include which school districts employ a language access coordinator, the amount of time spent coordinating language access and language assistance services, and the cost of language access coordinators.

(6) The office of the superintendent of public instruction and the office of the education ombuds must select up to 35 work group members who:

(a) Are geographically diverse;

(b) Represent the following groups: The educational opportunity gap oversight and accountability committee; the state school for the blind; the childhood center for deafness and hearing loss; the special education advisory council at the office of the superintendent of public instruction; the Puget Sound educational service district's family and community engagement program; the association of educational service districts; school board directors as selected by the Washington state school directors' association; teachers as selected by a state association of teachers; paraeducators as selected by a state association of paraeducators; principals as selected by a state association of principals; school administrators selected by a state association of school administrators; parents with language access barriers selected by a state association of parents; the Washington state commissions on African American affairs, Asian Pacific American affairs, and Hispanic affairs; the governor's office of Indian affairs; the tribal leaders congress on education; interpreters working in education settings; the department of social and health services language testing and certification program; the administrative office of the courts' interpreter program; interpreter unions; an interpreter training program as selected by the state board for community and technical colleges; the professional educator standards board; the office of equity established under chapter 43.06D RCW; families with language access barriers; and community-based organizations supporting families with language access barriers; and

(c) To the extent possible, have language access barriers, or manage or provide language assistance services.

(7) Agenda setting, subcommittee formation and activities, consultation with experts, and other work group administration must be conducted by a six-member steering group comprised of the following: One staff from the office of the superintendent of public instruction, one staff person from the office of the education ombuds, one staff person from the professional educator standards board, and three individuals from community organizations representing the people most impacted by the activities of the work group, where at least one of the individuals is from an organization representing black or indigenous people or people of color.

(8) The office of the superintendent of public instruction and the office of the education ombuds must provide staff support to the work group.

(9) The work group may form subcommittees and consult with necessary experts.

(10) By December 1, 2021, and in compliance with RCW 43.01.036, the work group must report its findings and recommendations to the appropriate committees of the legislature.

(11) This section expires June 30, 2022.

NEW SECTION. **Sec.**  RCW 28A.155.230 (Student language) and 2019 c 256 s 3 are each repealed.

**--- END ---**