

SENATE BILL REPORT

E2SHB 1153

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 21, 2022
Ways & Means, February 28, 2022

Title: An act relating to language access in public schools.

Brief Description: Addressing language access in public schools.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez).

Brief History: Passed House: 2/8/22, 83-13.

Committee Activity: Early Learning & K-12 Education: 2/16/22, 2/21/22 [DPA-WM].
Ways & Means: 2/26/22, 2/28/22 [DPA, DNP, w/oRec].

Brief Summary of Amended Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to implement a Language Access Technical Assistance Program that includes specified activities, which are subject to state funding.
- Requires certain school districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth to collect data on language access and language access services and implement, beginning with the 2023-24 school year, language access programs that meet stated requirements.
- Requires the Washington State School Directors' Association to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.
- Directs OSPI and the Professional Educator Standards Board (PESB) to collaborate to establish credentialing requirements for spoken and sign language interpreters working in public schools to interpret for students'

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families, students, and communities in educational settings outside the classroom.

- Directs OSPI to establish the Language Access Advisory Committee to guide and monitor the implementation of this act and to report to the Legislature, the Governor, OSPI, and the PESB on the implementation of the act.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Benjamin Omdal (786-7442)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Pedersen, Van De Wege, Wagoner, Warnick and Wellman.

Minority Report: Do not pass.

Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun, Muzzall and Rivers.

Staff: Kayla Hammer (786-7305)

Background: Civil Rights Laws. Title II of the Americans with Disabilities Act requires that public schools ensure meaningful communication with students' parents in a language that they can understand. Title VI of the Civil Rights Act of 1964 requires that public schools provide aids and services needed to communicate effectively with students' parents who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

Federal and state civil rights laws prohibit discrimination based on national origin and based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, among other things.

Language Access Work Group and Reports. In 2019 the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) and the Office of the Education Ombuds to jointly convene a Language Access Work Group. The purpose of the work group was stated as improving meaningful, equitable access for public school students and their family members who have language access barriers.

As directed, the work group submitted a report of its findings and recommendations to the Legislature in October 2020. The 2020 report provides recommendations to OSPI, the Washington State School Directors' Association, the Legislature, and others on ten topics, including: elements of an effective language program for systemic family engagement and a plan for the implementation of this program, a tiered program for technical assistance, interpreter standards and testing systems, and data collection.

In 2021 the Legislature directed that the work group be reconvened and expanded in order to make recommendations on standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools. As directed, the work group submitted a report to the Legislature in December 2021. The 2021 report provides recommendations to OSPI, the Professional Educator Standards Board (PESB), the Legislature, and others on 12 topics that include the required topics, as well as a recommendation for an ongoing language access advisory committee.

Qualified Interpreter. Beginning in the 2019-20 school year, school districts must document the language in which families of special education students prefer to communicate and whether a qualified interpreter for the student's family was 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. "Qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

Summary of Amended Bill: Principles of an Effective Language Access Program. The four principles of an effective language access program for culturally responsive, systemic family engagement are accessibility and equity, accountability and transparency, responsive culture, and focus on relationships. Additional descriptions of each principle are provided.

In general, the activities described below must take into consideration the recommendations in the 2020 and 2021 reports of the Language Access Work Group and adhere to the principles of an effective language access program.

Language Access Technical Assistance Program. The Center for the Improvement of Student Learning, within the Office of the Superintendent of Public Instruction (OSPI), must implement a Language Access Technical Assistance Program (LATA Program) that

includes seven activities that are subject to state funding. The LATA Program must:

- adhere to the principles of an effective language access program for culturally responsive, systemic family engagement;
- provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement;
- develop and maintain training modules for interpreters on interpreting for students' families and students in educational settings outside the classroom;
- develop, periodically update, and publish a language access toolkit that includes specified resources;
- develop, periodically update, and publish bilingual glossaries of education terminology;
- analyze and publish language access and language access information submitted as required under the act, disaggregated by certain groups to the extent possible; and
- provide staff support for the Language Access Advisory Committee established in the act.

Language Access Programs. Beginning with the 2023-24 school year, school districts, each charter school, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires completion of six specified activities, including:

- adoption of a language access plan, policy, and procedures;
- use of the self-assessment and the guide that are part of the toolkit published by the LATA Program; and
- collaborate with community-based organizations on how to work effectively with spoken language and sign language interpreters working in public schools to interpret for students' families, students, and communities in educational settings outside the classroom.

Language access program requirements do not apply to school districts with both fewer than 1000 enrolled students and less than 10 percent English learner enrollment.

School districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth must annually publish information about their language access plan, policy and procedures, and language access services. The information must include notice to families about their right to free language access services and the contact information for any language access coordinator and any school points of contact for language access services. The information must be translated into common languages understood by students' families.

Liaisons and Coordinators. School districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth must designate a language access liaison, who may be the language access coordinator, to facilitate compliance with state and federal laws related to family engagement.

School districts and charter schools, as well as the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth, with at least 50 percent English learner enrollment or greater than 75 languages used by students or families must either have:

- a full-time language access coordinator; or
- annually report to OSPI the total number of hours district staff spent performing the language access coordinator duties and other information.

The duties of a language access coordinator are specified and include serving as the primary contact for families, community members, school district staff, and agency staff, and delivering language assistance training and support to school staff.

Language access liaison and coordinator requirements shall not apply to school districts with both fewer than 1000 enrolled students and less than 10 percent English learner enrollment.

Information Collection and Submission. School districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth must annually collect and submit to OSPI:

- the language in which each student and student's family prefers to communicate; and
- whether a qualified interpreter for the student's family was requested for and provided at specified school meetings.

Feedback from participants in each interpreted meeting on the effectiveness of the interpretation and the provision of language access services must be collected, summarized, and made publicly accessible.

Model Policy and Procedure. By August 1, 2022, and periodically thereafter, the Washington State School Directors' Association (WSSDA) must collaborate with OSPI to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement. Among other things, the model policy and procedure must include procedures for annual review of spending on, and the need for, language access services.

When updating the model policy and procedures, the WSSDA must perform a racial equity impact analysis that involves the community. The model policy and procedures must be maintained on the WSSDA and OSPI websites.

Language Access Advisory Committee. OSPI must establish the Language Access Advisory Committee (Committee) to guide and monitor the implementation of this act and to recommend changes to requirements, policies, and procedures related to language access and language access services for students' families, students, and communities in educational settings outside the classroom. At a minimum, the Committee must guide, monitor, and make recommendations on nine topics, including, for example:

- family and community engagement;
- supply of and demand for interpreters; and
- training and credentialing of interpreters.

The members of the Committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts. Subject to available funding and as determined by OSPI, members who do not receive compensation from their employer or contractor for meeting attendance are eligible for a stipend.

Staff support for the Committee must be provided by the LATA Program and PESB. The Committee must collaborate with specified entities including the state Office of Equity and the Educational Opportunity Gap Oversight and Accountability Committee.

By November 1, 2024, and periodically thereafter, the Committee must submit a report on the implementation of this act to OSPI, PESB, the Governor, and the Legislature.

Credentialing Requirements for Interpreters. OSPI and PESB must collaborate to establish credentialing requirements for spoken language and sign language interpreters working in public schools to interpret for students' families, students, and communities in educational settings outside the classroom. Credentialing requirements for these interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the structure and significance of the interaction between school staff and the student's family.

Any activities provided by OSPI or PESB that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters. Once a Code of Professional Conduct for Interpreters is established, the Superintendent of Public Instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Specifies that any activities provided by OSPI or PESB, rather than state-controlled activities, that are required to meet credentialing requirements must be made available at no cost to people who want to be interpreters.

EFFECT OF EARLY LEARNING & K-12 EDUCATION COMMITTEE AMENDMENT(S):

- Modifies the date by which implementation of a language access program is required from the 2022-23 school year to the 2023-24 school year.

- Removes language access liaison and language access program implementation requirements for school districts that have both fewer than 1000 enrolled students and less than 10 percent English learner enrollment.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Early Learning & K-12 Education): *The committee recommended a different version of the bill than what was heard.* PRO: The bill is about schools and the tools to know best practices and how to engage students. This bill came from the community and is a community-led process. When language support is offered, families show up and support school activities and engagement. Students are often used as interpreters, which is inappropriate and contrary to best practices. It is important for families to fully understand the information presented to them before making critical decisions about their students' education. This bill will create an incentive for interpreters to remain in the profession. The bill works towards making interpretation a more accessible position. Marginalized families have long struggled to engage with their children's education, particularly for students' that have special needs. It is important for parents to be in contact with many teachers, nurses, and others; interpreters are able to help parents out with this process. The bill is a small investment to ensure that all parents understand the education being provided to their children. This bill can eliminate disparities and properly train individuals to assist families who are not as familiar with the educational system here.

OTHER: The bill creates another obligation for school districts. The programs in the bill should be voluntary as the requirements may outweigh the need in certain districts.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Tina Orwall, Prime Sponsor; Samantha Fogg, Seattle Council PTSA; Manuela Slye, Seattle Council PTSA; O'Hara Jimenez; Gloria Ramirez; Roisin Huang; Jana Parker, Seattle Special Education PTSA; Aida Sanchez-Vela, WFSE/Interpreters United; Heather Rees, OSPI; Brigida Ignacio; Emily Fung, Open Doors for Multicultural Families; Liliana Villanueva, Open Doors for Multicultural Families; Waiyan Lee, Open Doors for Multicultural Families; Asma Masude, The Washington Bus; Mahad Dahir.

OTHER: Ben Ferney, Eastern WA Quality Schools Coalition/The Valley School District.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):

No one.

Staff Summary of Public Testimony on Bill as Amended by Early Learning & K-12 Education (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: It is important to pass an amply funded HB 1153. Language equity helps remove barriers to learning for students from bilingual families and particularly is important for communicating regarding IEPs. The fiscal note shows that this is a modest investment to ensure that model policies are in place for all school districts, and for OSPI to share tools across the state that will make language justice a reality in our schools. Having language access supports help ensure that children are safe when discussing the health needs of students from multicultural families. Parents feel more confident that their children will be cared for if language access is available. Interpreters are important to help with language barriers in schools. Funding is not included in the House budget for the school districts to implement this bill and it would be nice to see it in the final budget. Children's success can only be ensured with engagement of the parents in their education. Having language access will help parents to know what is going on with their children's education and allow them to be more involved. Being able to engage the parents in the education of the students makes education easier for students. It creates barriers when parents or guardians cannot help the children in their care with homework.

Persons Testifying (Ways & Means): PRO: Samantha Fogg, Seattle Council PTSA; Moses Perez, Open Doors for Multicultural Families; Waiyan Lee, Open Doors for Multicultural Families; Anna Hernandez-French, OSPI; Sebrena Burr, Seattle Council PTSA; Quan Tran, Interpreters United | WFSE Local 1671 | AFSCME Council 28; Jesse JudahBram, OneAmerica; Grabiela Gonzalez, Para Los Niños.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.