
SUBSTITUTE HOUSE BILL 1153

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)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to language access in public schools; adding a
2 new section to chapter 28A.605 RCW; adding a new section to chapter
3 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new
4 section to chapter 28A.710 RCW; adding a new section to chapter
5 28A.345 RCW; adding a new section to chapter 28A.630 RCW; creating a
6 new section; repealing RCW 28A.155.230; and providing an expiration
7 date.

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

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

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

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

1 (c) The national center for education statistics estimates that
2 27.9 percent of the parents of Washington public school students
3 speak a language other than English. Failure to provide language
4 access hinders communication between schools and families, which
5 leads to long-term economic costs when a substantial fraction of the
6 students in Washington are not able to realize their full potential.

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

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

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

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.605
38 RCW to read as follows:

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

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

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

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

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

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300
20 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320
25 RCW to read as follows:

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

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

34 (2) Use the guide for the development, implementation, and
35 evaluation of a language access policy, procedures, and plan, which
36 is part of the toolkit described in section 3 of this act. The
37 processes for developing and evaluating the language access policy,
38 procedures, and plan must engage staff, students' families, and other
39 community members in ways likely to result in timely and meaningful

1 feedback, for example partnering with community based organizations
2 and providing translation and interpretation in common languages
3 understood by students' families;

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

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

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

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

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

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.320
2 RCW to read as follows:

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

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

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

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

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

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

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

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.710
25 RCW to read as follows:

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

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.345
30 RCW to read as follows:

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

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

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

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

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.630
9 RCW to read as follows:

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

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

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

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

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

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

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

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

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

38 (c) Whether training and testing should be offered through online
39 modules, in-person, as part of a community and technical college

1 program, through educational service districts, or a combination of
2 these methods;

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

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

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

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

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

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

21 (a) Are geographically diverse;

22 (b) Represent the following groups: The educational opportunity
23 gap oversight and accountability committee; the state school for the
24 blind; the childhood center for deafness and hearing loss; the
25 special education advisory council at the office of the
26 superintendent of public instruction; the Puget Sound educational
27 service district's family and community engagement program; the
28 association of educational service districts; school board directors
29 as selected by the Washington state school directors' association;
30 teachers as selected by a state association of teachers;
31 paraeducators as selected by a state association of paraeducators;
32 principals as selected by a state association of principals; school
33 administrators selected by a state association of school
34 administrators; parents with language access barriers selected by a
35 state association of parents; the Washington state commissions on
36 African American affairs, Asian Pacific American affairs, and
37 Hispanic affairs; the governor's office of Indian affairs; the tribal
38 leaders congress on education; interpreters working in education
39 settings; the department of social and health services language
40 testing and certification program; the administrative office of the

1 courts' interpreter program; interpreter unions; an interpreter
2 training program as selected by the state board for community and
3 technical colleges; the professional educator standards board; the
4 office of equity established under chapter 43.06D RCW; families with
5 language access barriers; and community-based organizations
6 supporting families with language access barriers; and

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

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

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

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

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

27 (11) This section expires June 30, 2022.

28 NEW SECTION. **Sec. 9.** RCW 28A.155.230 (Student language) and
29 2019 c 256 s 3 are each repealed.

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