

# SENATE BILL REPORT

## ESHB 1130

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As Passed Senate - Amended, April 12, 2019

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

**Brief Description:** Addressing language access in public schools.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Orwall, McCaslin, Pollet, Ryu, Lovick, Stanford and Valdez).

**Brief History:** Passed House: 3/04/19, 97-0.

**Committee Activity:** Early Learning & K-12 Education: 3/15/19, 3/20/19 [DP-WM].  
Ways & Means: 3/25/19, 4/09/19 [DPA].

**Floor Activity:**

Passed Senate - Amended: 4/12/19, 47-0.

### Brief Summary of Bill (As Amended by Senate)

- Requires the Office of the Superintendent of Public Instruction (OSPI) and the Office of the Education Ombuds (OEO) to jointly convene a work group to improve meaningful, equitable access for public school students and their family members who have language access barriers.
- Directs the work group to report its findings and recommendations to the Legislature by October 1, 2020.
- Requires school districts to document the preferred language of families of students in special education programs and if an interpreter was provided during individualized education program development or meetings related to discipline and truancy.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt, McCoy, Mullet, Padden, Pedersen, Salomon and Wagoner.

**Staff:** Benjamin Omdal (786-7442)

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*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.*

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

**Staff:** Kayla Hammer (786-7305)

**Background:** Limited English Proficiency. Limited English proficiency (LEP) is the limited ability to read, speak, write, or understand English by individuals who do not speak English as their primary language. Federal and state laws require schools to communicate information to LEP parents or guardians in a language they can understand about any program, service, or activity that is brought to the attention of English-proficient parents. This information must be provided at no cost to the parents or guardians. In addition, courts have held that failure to provide meaningful access to a person with LEP constitutes national origin discrimination.

Model Language Access Policy. In 2015, the Legislature directed the Washington State School Directors' Association (WSSDA) to create a model policy and procedures for language access by limited-English proficient parents. The policy and procedures were required to address guidance and procedures for identification of LEP parents and guardians and their language access needs, when and how to access an interpreter, a prohibition on the use of students or children as interpreters for school-related communications, and a process for communicating with parents and guardians about their rights under federal and state law.

Interpretation Services in K-12 Schools. The Department of Enterprise Services has a contract for phone and written interpretation services that schools or districts can arrange to use. OSPI also provides guidance to schools and districts on using interpretation and translation services, including that an interpreter should be offered when requested, that only competent interpreters should be used, and that all important documents should be translated into the most common languages spoken at each school.

There are no minimum standards or training requirements for foreign language interpreters in educational settings. However, the Professional Educator Standards Board (PESB) is required by state law to adopt standards for school district employees who provide sign language interpretation. The PESB is also required to establish a minimum performance standard for sign language interpreter assessments.

**Summary of Amended Bill:** Language Access Work Group. OSPI and OEO must jointly convene a work group to improve meaningful, equitable access for public school students and their family members who have language access barriers. The work group must advise OSPI and WSSDA on a variety of topics, including:

- elements and implementation of an effective language access program for systematic family engagement;

- the components and implementation plan for a technical assistance program for language access;
- the development and sharing of a tool kit to help public schools assess language needs and develop, implement, and evaluate their language access plans and services; and
- the development and sharing of educational terminology glossaries and best practices.

In addition, the work group must develop recommendations for practices and policies to improve language access, including recommendations on interpreter standards, interpreter knowledge of education terminology, interpreter programs and services, and updates to WSSDA's model language access policy.

The work group must contain members who are geographically diverse and represent people with a variety of language access barriers. Members must also represent a variety of groups, including the Educational Opportunity Gap Oversight and Accountability Committee, the State School for the Blind, the Special Education Advisory Council, WSSDA, state associations of teachers, principals and interpreters, the state commissions on African-American Affairs, Asian Pacific American Affairs, and Hispanic Affairs, and the Governor's Office of Indian Affairs.

The work group must report its findings and recommendations to the appropriate committees of the Legislature by October 1, 2020.

Family Language Documentation. Beginning in the 2019-20 school year, school districts must document the language in which families of special education students prefer to communicate. Districts must also document whether a qualified interpreter for the student's family was provided at any planning meeting related to the student's individualized education plan (IEP), or plan developed under Section 504 of the Rehabilitation Act of 1973, as well as meetings related to school discipline and truancy.

**Appropriation:** None.

**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 Substitute House Bill (Early Learning & K-12 Education):** PRO: Schools are not always providing the best language access for individuals with language needs. At times, districts do not have interpreters or are using best practices in important situations like IEP meetings. The bill is a systemic approach that can increase access for many families. Some interpreters are not as professional as that are needed. Professional interpreters are needed to properly convey ideas that are in IEPs. Document interpretation is also needed for parents. Parents sometimes need to use their phone to translate, which is difficult for documents. Teachers often speak in ways that are difficult for parents to understand; this can lead to individuals signing things that they might not understand. Some districts use teachers with language skills, but this can lead to these teachers foregoing responsibilities. The bill could be strengthened through

language to include families with sight and hearing needs and professional sign-language organizations. Parents may need assistance even when the child no longer receives English instruction.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Representative Tina Orwall, Prime Sponsor; Lucinda Young, Washington Education Association; QiuLian Lai, citizen; Moon Zhu; Joy Sebe, Open Doors for Multicultural Families; Winnie Lee, citizen; Joana Ramos, Washington State Coalition for Language Access; Xiu Li Chen, citizen; David Lord, Disability Rights Washington.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: This legislation has a cost but will result in savings in the end. Many languages are spoken in Washington State but not all needs can be met at all school districts. The legislation will provide great data for processes improvement. Families have difficulty communicating at the schools which can cause problems over time. Comprehensive policies are needed.

**Persons Testifying (Ways & Means):** PRO: Lucinda Young, Washington Education Association; Joy Sebe, Open Doors for Multicultural Families.

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