H-1045.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1451**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Orwall, Johnson, Pollet, Ortiz-Self, Senn, Pettigrew, Reeves, Gregerson, Stonier, Ryu, Peterson, Appleton, Tarleton, Farrell, Fey, Ormsby, Goodman, Slatter, Pellicciotti, Hudgins, Doglio, Kagi, and Santos

AN ACT Relating to improving language access for public school students and families with limited English proficiency; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 41.05 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  INTENT. (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 in business, government, and private affairs in this state;

(b) The number of foreign language speakers in Washington's public schools has substantially increased over the last decade. The office of the superintendent of public instruction reports that ten percent of the state's total student population was enrolled in the transitional bilingual instruction program as of May 2016, and more than two hundred different languages are spoken in students' homes. The office of the education ombuds reports that two hundred fifty of the state's two hundred ninety-five school districts serve students with non-English home languages and families with limited English proficiency;

(c) Washington public schools' ability to effectively communicate with students and families with limited English proficiency impacts its ability to engage them effectively in the education process and contributes to inequities and increased gaps in student achievement. Providing meaningful language access must be a collaborative endeavor in Washington's public schools, involving educators and support staff, students and families, and local community stakeholders. Community-based organizations have the capacity to work with schools to engage students, families, and local community stakeholders in conversations and decision making;

(d) Federal and state civil rights laws prohibit discrimination based on national origin, and courts have held that failure to provide meaningful access to a person with limited English proficiency constitutes national origin discrimination; and

(e) Providing meaningful, equitable access to students and families with limited English proficiency will not only help schools meet their civil rights obligations, but will help schools meet the state's basic education goals under RCW 28A.150.210.

(2) To improve language access for public school students and families with limited English proficiency, the legislature intends to:

(a) Create language access lighthouse collaboratives on each side of the state that will develop best practices for providing language assistance services, including identifying and building on opportunities to leverage community-based resources and advances in technology, to assist public schools in meeting their civil rights obligations, and to facilitate effective communication between educators and families with limited English proficiency; and

(b) Direct the superintendent of public instruction to develop tools and resources that public schools can use to expand, in an effective manner, the availability of quality interpretation and translation services.

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

LANGUAGE ACCESS ADVISORY COMMITTEE.

(1) By August 1, 2017, the office of the superintendent of public instruction shall convene a language access advisory committee to develop tools and recommendations to improve language access for public school students and families with limited English proficiency.

(2) The committee must include representatives of the language access lighthouse collaboratives established in section 3 of this act; students and families with limited English proficiency; up to three demographically and geographically diverse school districts that are not part of a lighthouse collaborative; educational service districts that are not part of a lighthouse collaborative; community-based organizations that facilitate family involvement in schools and that focus on serving families of color; and experts in language assistance services. The committee may choose a chair or cochairs from among its members.

(3) The committee must hold meetings across the state, particularly in communities where students and families with limited English proficiency speak a variety of languages, in the cities where community-based organizations with a mission to facilitate family involvement in schools are located, and near the language access lighthouse collaboratives selected under section 3 of this act.

(4) Staff support for the committee must be provided by the office of the superintendent of public instruction.

(5) By October 1, 2017, the committee must:

(a) Develop a comprehensive language needs and language access inventory for public schools that identifies what school, school district, other educational service entities, and community systems are in place to serve students' and families' language access needs; which systems are working well; barriers to language access for students and families with limited English proficiency; and whether the school has a language access plan and procedures in place; and

(b) Submit the inventory to the superintendent of public instruction for approval.

(6) In a timely manner, the committee must review and provide feedback on any model curricula related to language access received from the superintendent of public instruction. In reviewing the curricula, the committee must include representatives from educational service districts and higher education institutions.

(7) By November 1, 2019, the committee must complete the following assignments, beginning with those that would most enhance the work of the language access lighthouse collaboratives selected under section 3 of this act:

(a) Explore the need for, and possible elements of, a language testing and credentialing program within the office of the superintendent of public instruction, including consulting with the experts on existing language testing and credentialing programs. The elements of the program may include: (i) Minimum standards or requirements for a qualified interpreter, such as a defined level of fluency and competency in the identified home language; demonstrated knowledge of the role and ethics of interpreters, education terminology, individualized education programs or plans developed under section 504 of the rehabilitation act of 1973, interaction with consumers and families; and demonstrated competency in interpreting in-person and remotely; (ii) systems, policies, and procedures for certifying educational interpreters, including fingerprinting; and (iii) language proficiency tests of fluency and competency in the identified home language;

(b) Explore technologies to facilitate access to interpretation and translation services;

(c) Explore options for recruiting interpreters and for creating shared pools of qualified interpreters;

(d) Explore streamlined and uniform options for disseminating, in a timely manner, translated materials to students and families with limited English proficiency;

(e) Identify best practices for reaching out, and providing meaningful access, to students and families with limited English proficiency, including identifying the role and responsibilities of a family liaison;

(f) Facilitate communication between schools, school districts, and educational service districts across the state on the topic of language access for students and families with limited English proficiency;

(g) Explore options for measuring access to, and effectiveness of, language assistance services in schools; and

(h) Review and consider the report from the language access lighthouse collaboratives selected under section 3 of this act.

(8) By August 1, 2018, and in compliance with RCW 43.01.036, the advisory committee shall submit a preliminary report to the superintendent of public instruction, the governor, and the appropriate committees of the legislature that:

(a) Summarizes the committee's activities to date;

(b) Outlines the committee's plans for completing its required assignments;

(c) Makes preliminary recommendations to the superintendent of public instruction, the governor, and the appropriate committees of the legislature to: (i) Enhance the work of the language access lighthouse collaboratives selected under section 3 of this act; and (ii) improve language access for public school students and families with limited English proficiency.

(9) By November 1, 2019, and in compliance with RCW 43.01.036, the advisory committee shall submit a final report to the superintendent of public instruction, the governor, and the appropriate committees of the legislature that:

(a) Summarizes the committee's activities; and

(b) Makes final recommendations to the superintendent of public instruction, the governor, and the appropriate committees of the legislature to improve language access for public school students and families with limited English proficiency, including whether interpreters should be certified, and an estimate of the cost of improving the education system as recommended.

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

LANGUAGE ACCESS LIGHTHOUSE COLLABORATIVES.

(1)(a) By August 1, 2017, the superintendent of public instruction shall select two educational service districts, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains, that volunteer to act as language access lighthouse collaboratives. A language access lighthouse collaborative means an educational service district in collaboration with representatives of following entities and groups within its service area: Students and families with limited English proficiency; at least two school districts; community-based organizations that facilitate family involvement in schools and that focus on serving families of color; and experts in language access services.

(b) The superintendent of public instruction must timely and adequately notify all educational service districts and school districts about the opportunity to become, and the requirements of, a lighthouse collaborative under this section.

(c) The superintendent of public instruction must select applicants that meet the following criteria:

(i) The percentage of students and families with limited English proficiency in each applicant school district is higher than average;

(ii) Students and families in applicant school districts speak a variety of languages;

(iii) The applicant has demonstrated its commitment to promoting language access;

(iv) Community-based organizations are in partnership with the school districts or educational service district;

(v) The applicant agrees to collaborate with the other lighthouse collaborative and with the language access advisory committee established in section 2 of this act; and

(vi) The applicant agrees to collaborate with the Washington state health care authority and the office of the superintendent of public instruction to implement a procedure for claiming federal reimbursement for the costs of medicaid administrative activities performed in the school setting.

(d) Staff of the office of the superintendent of public instruction must attend quarterly meetings of the lighthouse collaboratives to observe and participate in the local planning efforts.

(2) Beginning January 1, 2018, the lighthouse collaboratives selected under subsection (1) of this section must:

(a) Collaborate with the Washington state health care authority and the office of the superintendent of public instruction to implement a procedure for claiming federal reimbursement for the costs of medicaid administrative activities performed in the school setting;

(b) Administer the language needs and language access inventory for public schools approved by the superintendent of public instruction under section 4 of this act; and

(c) Consider recommendations from the language access advisory committee established in section 2 of this act and implement a plan to improve language access for students and families with limited English proficiency, including a plan for sharing language assistance resources across school districts, such as pooling interpreter resources.

(3) By August 1, 2019, the lighthouse collaboratives selected under subsection (1) of this section must report to the language access advisory committee established in section 2 of this act and the superintendent of public instruction on best practices for, and lessons learned in, administering the language needs and language access inventory, implementing a plan to improve language access for students and families with limited English proficiency, and implementing a procedure for claiming federal reimbursement for the costs of medicaid administrative activities performed in the school setting.

(4) Beginning September 1, 2019, the lighthouse collaboratives must provide technical assistance to other public schools, school districts, and educational service districts on improving language access for public school students and families, considering recommendations from the language access advisory committee established in section 2 of this act.

(5) By August 1, 2020, the lighthouse collaboratives selected under subsection (1) of this section must report to the superintendent of public instruction with any additional best practices for, and lessons learned in, implementing the recommendations of the advisory committee, and acting as lighthouse collaboratives.

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

DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(1) In order to facilitate language access for public school students and families with limited English proficiency, the superintendent of public instruction has the duties described in this section.

(2) By November 1, 2017, the superintendent of public instruction shall adopt, and publish on its web site, a comprehensive language needs and language access inventory for public schools that identifies what school, school district, other educational service entities, and community systems are in place to serve students' and families' language access needs; which systems are working well; barriers to language access for students and families with limited English proficiency; and whether the school, or school district if applicable, has a language access plan and procedures in place. Before adopting an inventory, the superintendent must consider the comprehensive language needs and language access inventory for public schools developed by the language access advisory committee established in section 2 of this act. The superintendent must combine this inventory with other inventories related to racial equity. The superintendent shall solicit consumer feedback and periodically revise the inventory based on this feedback.

(3)(a) By August 1, 2018, the superintendent of public instruction shall develop, in collaboration with representatives from the educational service districts and public and private higher education institutions, the model curricula described in this subsection, submit the curricula for comment to the language access advisory committee established in section 2 of this act, and adopt the curricula for use by public schools, school districts, and educational service districts.

(b) The model curricula must include:

(i) A model curriculum for interpreters on interpreting in public schools;

(ii) A model curriculum on language access that can be used to train school and district staff on topics such as creating a welcoming environment for students and families with limited English proficiency, how to help students and families access information in languages other than English, how to access interpreter and translation services, how to use the services of an interpreter in formal and informal discussions, language access requirements in civil rights laws, and the importance of providing language access to promote equity; and

(iii) A model curriculum on language access for families with limited English proficiency that covers students' and families' rights and responsibilities under federal and state civil rights laws and how to access interpretation and translation services.

(4) Beginning December 1, 2019, the superintendent of public instruction must:

(a) Consider the reports submitted by the language access advisory committee established in section 2 of this act and the language access lighthouse collaboratives selected under section 3 of this act;

(b) Develop, and periodically update, a state language access plan;

(c) As needed, develop and implement a language testing and credentialing program;

(d) Develop technologies to facilitate access to interpretation and translation services, including scheduling systems;

(e) Identify best practices for public schools and school districts for:

(i) Recruiting interpreters and for creating shared pools of qualified interpreters;

(ii) Disseminating, in a timely manner, translated materials to students and families with limited English proficiency; and

(iii) Reaching out, and providing meaningful access, to students and families with limited English proficiency, including using family liaisons;

(f) Require collection of data measuring access to, and effectiveness of, language assistance services in schools;

(g) Provide language access technical assistance, including use of technology, data collection, and interpreter training and recruitment; and

(h) Encourage public schools to use the services of qualified interpreters, and to implement the model curricula and best practices identified under this section.

(5) On a biennial basis, beginning November 1, 2021, and November 1st of each odd-numbered year ending with November 1, 2025, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall submit a report to the governor and the appropriate committees of the legislature on the statewide implementation of the requirements in this section, lessons learned, and adjustments planned; and make recommendations to the governor and the legislature on ways to continue to improve language access for public school students and families with limited English proficiency.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

DUTIES OF EDUCATIONAL SERVICE DISTRICTS.

(1) Beginning August 1, 2018, educational service districts shall maintain the capacity to offer language access trainings using the model curricula adopted by the superintendent of public instruction under section 4 of this act. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2) Beginning December 1, 2019, each educational service district must develop, and periodically update, a language access plan.

NEW SECTION. **Sec.**  A new section is added to chapter 41.05 RCW to read as follows:

DUTIES OF THE WASHINGTON STATE HEALTH CARE AUTHORITY.

The authority shall collaborate with the office of the superintendent of public instruction and interested schools, school districts, and educational service districts to implement procedures to claim federal reimbursement for the costs of medicaid administrative activities, including interpreter-related services, performed in the school setting.

NEW SECTION. **Sec.**  EXPIRATION DATES. Sections 2, 3, and 6 of this act expire July 1, 2021.

**--- END ---**