

HOUSE BILL REPORT

HB 1451

As Reported by House Committee On: Education

Title: An act relating to improving language access for public school students and families with limited English proficiency.

Brief Description: Improving language access for public school students and families with limited English proficiency.

Sponsors: 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.

Brief History:

Committee Activity:

Education: 1/31/17, 2/9/17 [DP].

Brief Summary of Bill

- Requires the Office of the Superintendent of Public Instruction (OSPI) to improve language access for public school students and families with limited English proficiency by, for example:
 - convening an advisory committee to develop tools and make recommendations;
 - selecting language access lighthouse collaboratives to develop best practices and provide technical assistance;
 - adopt a comprehensive language needs and language access inventory;
 - adopt model language access curricula for interpreters, school staff, and families;
 - develop a state language access plan; and
 - require collection of language access service data.
- Directs the OSPI to report to the Governor and the Legislature on the statewide implementation of the above activities and to recommend ways to continue to improve language access.
- Requires the educational service districts (ESD) to maintain the capacity to offer language access trainings using the model curricula adopted by the OSPI.

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.

- Specifies that the state Health Care Authority must collaborate with the OSPI and interested schools, districts, and ESDs to claim federal reimbursement for the costs of Medicaid interpreter-related services performed in the school setting.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 16 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Johnson, Kilduff, Lovick, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

Minority Report: Do not pass. Signed by 2 members: Representatives Caldier and Hargrove.

Minority Report: Without recommendation. Signed by 1 member: Representative McCaslin.

Staff: Megan Wargacki (786-7194).

Background:

Diversity Policy. In 1989 the Legislature declared that it is the policy of the state of Washington to welcome and encourage the presence of diverse cultures and the use of diverse languages in business, government, and private affairs in this state.

Languages in the Public Schools. The number of foreign language speakers in Washington's public schools has substantially increased over the last few decades. The Office of the Superintendent of Public Instruction (OSPI) reports that, as of May 2016, 10 percent of the state's student population was enrolled in the Transitional Bilingual Instruction Program, a program for students whose primary language is not English and whose English language skills are sufficiently deficient or absent to impair learning.

More than 200 different languages are now spoken in students' homes. Nearly 85 percent of school districts serve students with non-English home languages and families with limited English proficiency (LEP). Individuals with LEP do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

Meaningful Access Requirements. 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 LEP constitutes national origin discrimination.

Educational Service Districts. There are nine regional agencies, called educational service districts (ESDs), that provide cooperative and informational services to local school districts and assist the OSPI and the State Board of Education in the performance of their duties.

Among other things, the ESDs provide direct student services and develop and offer trainings for educators and other school district staff.

Health Care Authority. The state Health Care Authority (HCA) administers the Medicaid program, which is a state-federal program that pays for health care for low-income state residents who meet certain eligibility criteria. Certain federal reimbursements can be claimed for both the provision of covered medical services and for the costs of administrative activities, such as outreach, which support the Medicaid program.

Summary of Bill:

Language Access Advisory Committee. By August 1, 2017, the OSPI must convene a language access advisory committee (committee) to develop tools and recommendations to improve language access for public school students and families with LEP.

The committee must include representatives of the language access lighthouse collaboratives (lighthouses) described below; students and families with LEP; up to three demographically and geographically diverse school districts and the ESDs that are not part of a lighthouse: 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. Staff support for the committee must be provided by the OSPI.

The committee must hold meetings across the state, particularly in communities where students and families speak a variety of languages, in cities where community-based organizations with a mission to facilitate family involvement in schools are located, and near the lighthouses.

By October 1, 2017, the committee must develop a comprehensive language needs and language access inventory for public schools and submit it to the OSPI for approval.

In a timely manner, the committee must review and provide feedback on any model curricula related to language access received from the OSPI.

By November 1, 2019, the committee must complete the following assignments, beginning with those that would most enhance the work of the lighthouses:

- explore the need for, and possible elements of, a language testing and credentialing program within the OSPI;
- explore technologies to facilitate access to interpretation and translation services;
- explore options for recruiting, and creating shared pools of, qualified interpreters;
- explore options for disseminating translated materials to students and families with LEP;
- identify best practices for reaching out, and providing meaningful access, to students and families with LEP;
- facilitate communication across the state on the topic of language access;

- explore options for measuring access to, and effectiveness of, language assistance services in schools; and
- review and consider the report from the language access lighthouses.

The committee must report to the Superintendent of Public Instruction (SPI), the Governor, and the Legislature as follows:

- by August 1, 2018, summarize the committee's activities to date and make preliminary recommendations to enhance the work of the lighthouses; and
- by November 1, 2019, summarize the committee's activities, make final recommendations to improve language access for public school students and families with LEP, and estimate the cost of improving the education system as recommended.

Language Access Lighthouse Collaboratives. By August 1, 2017, the SPI must select two ESDs that volunteer to act as lighthouses—one from each side of the crest of the Cascade mountains. A language access lighthouse is an ESD in collaboration with representatives of the following entities and groups within its service area: students and families with LEP; 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.

The SPI must notify all ESDs and school districts about the opportunity to become a lighthouse. The SPI must select applicants that meet the following criteria:

- the percentage of students and families with LEP in each applicant school district is higher than average;
- students and families in applicant school districts speak a variety of languages;
- the applicant has demonstrated its commitment to promoting language access;
- community-based organizations are in partnership with the school districts or an ESD;
- the applicant agrees to collaborate with the other lighthouse and the committee; and
- the applicant agrees to collaborate with the HCA and the OSPI as described below.

Staff of the OSPI must attend quarterly meetings of the lighthouses to observe and participate in the local planning efforts.

Beginning January 1, 2018, the lighthouses must:

- collaborate with the HCA and the OSPI to implement a procedure for claiming federal reimbursement for the costs of Medicaid administrative activities, including interpreter-related services, performed in the school setting;
- administer the language needs and language access inventory for public schools approved by the SPI; and
- consider recommendations from the committee, and implement a plan to improve language access for students and families with LEP.

By August 1, 2019, the lighthouses must report to the committee and the SPI on best practices for, and lessons learned in, administering the language needs and language access inventory and implementing a language access improvement plan and an interpreter-related Medicaid services federal claiming procedure.

Beginning September 1, 2019, the lighthouses must provide technical assistance to other public schools, school districts, and the ESDs on improving language access for public school students and families, considering recommendations from the committee.

By August 1, 2020, the lighthouses must report to the SPI with any additional best practices for, and lessons learned in, implementing the recommendations of the committee and acting as lighthouses.

Duties of the Superintendent of Public Instruction. By November 1, 2017, the SPI must adopt, and publish on its website, 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 LEP; and whether a language access plan and procedures are in place. The SPI must consider the inventory developed by the committee, combine its inventory with other inventories related to racial equity, and periodically revise the inventory based on consumer feedback.

By August 1, 2018, the SPI must consult with specified experts to develop and adopt the following model curricula for use by public schools, school districts, and the ESDs:

- interpreting in public schools for interpreters;
- language access for school and district staff on topics such as creating a welcoming environment for students and families with LEP, 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
- language access for families with LEP that covers students' and families' rights and responsibilities under federal and state civil rights laws and how to access interpretation and translation services.

Beginning December 1, 2019, the SPI must:

- consider the reports submitted by the committee and lighthouses;
- develop, and periodically update, a state language access plan;
- as needed, develop and implement a language testing and credentialing program;
- develop technologies and best practices to facilitate access to interpretation and translation services and materials;
- require collection of data on language assistance services in schools;
- provide language access technical assistance; and
- encourage public schools to use the services of qualified interpreters, and to implement the model curricula and best practices identified under this section.

By November 1 of 2021, 2023, and 2025, the SPI must submit a report to the Governor and the Legislature on the statewide implementation of the SPI's duties, lessons learned, and adjustments planned, and make recommendations on ways to continue to improve language access for public school students and families with LEP.

Duties of the Educational Service Districts. Beginning August 1, 2018, the ESDs must maintain the capacity to offer language access trainings using the model curricula adopted by the SPI. An ESD 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.

Duties of the Washington State Health Care Authority. The HCA must collaborate with the OSPI and interested schools, school districts, and the ESDs to implement procedures to claim federal reimbursement for the costs of Medicaid administrative activities, including interpreter-related services, performed in the school setting.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Some school districts have over 130 languages spoken in the district. Families with LEP sometimes have students with special needs, and it is difficult to navigate the special education system even when English is the primary language of the family. There are no best practices for interpreter services or translation. There are technologies available, but teachers have not been trained to use them. There is an opportunity to streamline these systems. A lot of this planning needs to happen at the community level, with community-based organizations, school districts, and the ESDs.

Parents with LEP often face difficulties getting interpretation services in a timely and appropriate manner. Even when interpretation services are provided, they are not always adequate. The language of professional education is different from regular English, so when it comes to being part of a special education meeting or dealing with special education issues, it is necessary for districts to provide interpreters to families. In these cases, interpreters should have knowledge of the special education language and terminology.

Many parents want their children to succeed in school and try to participate in the education system. Sometimes schools say they do not have an interpreter available for the parent's language and ask the parent to come back another day. When parents cannot communicate with a teacher in person, when they are not provided an interpreter, they feel they are not important and the environment is unwelcoming. Some districts only provide phone calls and letters in English. Some students do poorly because their parents do not receive certain information in their home language, for example the student does not find out about an important test because the message to the family was in English.

Some parents with LEP have children in special education. Sometimes when these parents request an interpreter, they are denied one because they speak a bit of English. This means that the parents are not able to express their concerns or advocate for their children. Sometimes the teacher's body language indicates that they are not interested in what the parents with LEP have to say, and are not making an effort to understand what the parents are trying to communicate.

(Opposed) None.

Persons Testifying: Representative Orwall, prime sponsor; Rocio Molina, Hinda Omar, Sunae Ivy, and Yu Yan Cai, Doors for Multicultural Families.

Persons Signed In To Testify But Not Testifying: Roxana Norouzi, OneAmerica; Stacy Gillett, Patty Gonzales, and Mariana Flores, The Arc of King County; Sarah Albertson, Office of the Superintendent of Public Instruction; Martin Boonstra, Federal Way Public Schools; James Rosenfeld; Jessica Vavrus, Washington State School Directors' Association; and Fanny Cordero, Washington Coalition for Language Access.