
Education Committee

HB 1130

Brief Description: Addressing language access in public schools.

Sponsors: Representatives Orwall, McCaslin, Pollet, Ryu, Lovick, Stanford and Valdez.

Brief Summary of Bill

- Requires the Office of the Superintendent of Public Instruction (OSPI) to implement technical assistance and monitoring programs related to language access.
- Directs the OSPI to report to the Legislature with a summary of the activities of the technical assistance and monitoring programs by November 20, 2026.
- Requires that certain staff complete the language access training program developed by the OSPI and supplemented with district-specific information.
- Directs the OSPI to convene a work group to develop training standards or a curriculum for interpreters working in schools; and recommend how the curriculum and standards should be implemented.
- Requires school districts to document, collect, and use certain data related to language access needs.
- Directs school districts to establish annual contracts for meaningful remote interpreter services.
- Requires school districts to 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 special education planning meetings.

Hearing Date: 2/11/19

Staff: Megan Wargacki (786-7194).

Background:

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.

Limited English Proficiency. Limited English proficiency (LEP) is the limited ability to read, speak, write, or understand English by those for whom English is not their primary language.

Federal and state civil rights laws prohibit discrimination based on national origin, and courts have held that the failure to provide meaningful access to a person with LEP constitutes national origin discrimination. Under state and federal laws, parents of students have the right to information about their children's education in a language that they can understand, and at no cost to themselves.

Language Access Plan and Resources. In 2015, the Washington State School Directors Association was directed to create a model policy and procedure for language access by parents with LEP. The model policy and procedures must at a minimum address:

- guidance and procedures for timely and accurate identification of parents with LEP and their language access needs;
- a recommended process and procedures for when and how to access an interpreter;
- a prohibition on the use of students or children as interpreters for school-related communications;
- procedures to ensure appropriate staff are aware of parents need for language assistance, and when and how to access an interpreter or translation services in a timely manner; and
- a process for communicating with parents about their right to be provided with accessible information that allows them to make informed choices regarding their child's education and how to access the resources and services available to them.

Also in 2015, the Office of the Superintendent of Public Instruction (OSPI) was directed to work with stakeholders to develop sample materials for school districts to disseminate to both staff and parents regarding parents' rights under the model policy and the resources available to assist parents in accessing the services available to them; adopt rules regarding school districts' communication of the language access policy and procedure to parents, students, staff, and volunteers; and publish on the OSPI's web site a listing of language access services providers available to school districts.

Interpretation and Translation Services. The Department of Enterprise Services has a contract for written translation and oral interpretation that public schools and school districts can arrange to use. The OSPI provides guidance to public schools and school districts on using interpretation and translation services. This guidance includes the following suggestions:

- An interpreter should be offered whenever requested by a student's parent or when a staff member anticipate an interpreter might be needed to meaningfully communicate with the parent about their child.
- Only competent interpreters who are fluent in English and in the parent's language should be used; students or children should not be used as interpreters. Interpreters should understand any terms or concepts that will be used during the meeting, and should, without bias, communicate everything said during the conversation.
- All important documents should be translated into the most common languages spoken in each school. If a small number of students' parents require important information in a language other than English, the important information can be provided via oral interpretation of the documents.
- Automated, machine translation is only appropriate if the translated document accurately conveys the meaning of the document. To ensure that the information has been

accurately translated, machine translations should be reviewed, and edited as needed, by a qualified translator.

The OSPI generally translates materials developed for parents into the top ten most common languages in Washington. The OSPI also translates sample forms and resources that public schools and school districts provide to parents.

Interpreter Standards and Training Programs. There are no minimum standards or training requirements specified in law for foreign language interpreters working in educational settings.

Sign Language Interpreters. The Professional Educator Standards Board is required to adopt standards for educational interpreters; and to establish a minimum performance standard for each educational interpreter assessment. "Educational interpreter" means a school district employee who provides sign language interpretation for students who are deaf, deaf-blind, or hard of hearing.

Foreign Language Education Interpreter Training Program Report. In 2015, the Governor's Office of the Education Ombuds (OEO) submitted a report to the Legislature with the results of a feasibility study for developing a state foreign language education interpreter training program. This program would create a pool of trained interpreters who would provide services for public schools to communicate effectively with parents with LEP. The study includes data relating to the current need for interpreters, information from school districts and community members regarding current practices in the provision of foreign language interpreters, an inventory of interpreter training programs and community resources in Washington, and an overview of applicable federal and state laws.

Technical Assistance, Monitoring Activities, and Complaint Resolution. The OSPI's Equity and Civil Rights Office (Equity Office) provides technical assistance, training, and resources on language access. The Equity Office also provides information for students and their parents about their rights and has resources translated into multiple languages.

The Equity Office also performs periodic reviews of public schools' and school districts' compliance with state and federal civil rights laws. The Equity Office looks for sufficient evidence of a description of the process: (1) used to identify parents with LEP, including use of a home language survey or questions about home language on student enrollment forms; (2) used to ensure that interpreters and translators are qualified and competent; and (3) used to ensure that interpretation and translation services are provided to communicate important information with parents with LEP.

Students or their parents may file a complaint of discrimination, including complaints of inadequate language access assistance, to their public school, school district, or a number of state and federal agencies, such as the Equity Office, the OEO, or the federal Office for Civil Rights.

Summary of Bill:

Language Access Technical Assistance and Monitoring Programs. The Office of the Superintendent of Public Instruction (OSPI) must implement a technical assistance program for language access. The activities of the technical assistance program are specified, for example:

disseminate best practices; offer technical assistance; and develop a language access training program. Beginning in the 2022-23 school year, the OSPI must monitor language access plan implementation at least every five years to determine whether public schools are providing meaningful access to persons with limited English proficiency (LEP). The OSPI must consult with specified experts and stakeholders when developing the technical assistance and monitoring programs, and regarding the development of a prioritization strategy for the programs and the selection of metrics to identify schools and districts with the greatest need for assistance or monitoring.

By November 20, 2026, the OSPI must report to the Legislature with: (1) a summary of the activities of the technical assistance and monitoring programs; and (2) recommendations that support the demonstrated language access needs of families with LEP. In preparing the recommendations, the OSPI must analyze the language access data collected from school district (described below).

Language Access Training Requirements. School districts must supplement the language access training program developed by the OSPI with district-specific policies, procedures, and other information. Staff in the following categories must complete the language access training program: Certificated instructional staff, certificated administrative staff, paraeducators, and front office staff.

Interpreter Standards or Curriculum. The OSPI must convene a work group to develop training standards or a curriculum for interpreters working in public schools and recommend how the standards or curriculum should be implemented. The number and composition of the members of the work group is specified. The OSPI must contract for the development of the training standards or a curriculum. By November 20, 2020, the work group must report to the Legislature with the interpreter training standards or curriculum and a recommendation about whether interpreters working in education settings should be required to complete the curriculum or meet the standards and, if so, how.

Language Access Data Documentation, Collection, and Use. Within 30 days of a student's enrollment, the school district must determine: (1) the language in which the enrolled student's family prefers to communicate with the school; and (2) if the enrolled student's family's language is not English, whether the enrolled student's family requires language services in order to communicate effectively with school district staff.

Beginning in the 2019-20 school year, school districts must:

- annually collect and submit this information to the OSPI;
- analyze this information before developing, revising, or implementing its language access plan and before planning and budgeting for language access services; and
- 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 student's special education or related services planning meeting. Qualified interpreter means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

Remote Interpreter Service Contracts. By June 1 of each year, school districts must establish contracts for meaningful remote interpreter services for the following school year.

Appropriation: None.

Fiscal Note: Requested on February 5, 2019.

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