

# FINAL BILL REPORT

## ESHB 1130

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Synopsis as Enacted

**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).

**House Committee on Education**  
**Senate Committee on Early Learning & K-12 Education**  
**Senate Committee on Ways & Means**

### **Background:**

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.

Civil Rights Laws. Federal and state civil rights laws prohibit discrimination based on national origin, and based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, among other things. Public schools must provide aids and services needed to communicate effectively with people who have hearing, vision, or speech disabilities. Courts have held that 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 and format 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 procedures 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;

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- procedures to ensure appropriate staff are aware of the 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 procedures to parents, students, staff, and volunteers; and publish on the OSPI's website 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 anticipates 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 10 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 school district employees who provide sign language interpretation for students who are deaf, deaf-blind, or hard of hearing; and establish a minimum performance standard for each sign language interpreter assessment.

*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 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 these processes: (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:**

Subject to state funding, the Office of the Superintendent of Public Instruction (OSPI) and the Office of the Education Ombuds (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 the OSPI and the Washington State School Directors' Association (WSSDA) on the following topics:

- the elements of an effective language access program for systemic family engagement and a plan for the implementation of this program;
- the components of a technical assistance program for language access and a plan for the implementation of this program;
- the development and sharing of a tool kit to help public schools assess the language needs of their communities and develop, implement, and evaluate their language access plans and language services;
- the development and sharing of educational terminology glossaries that improve all families' access to the public school system; and
- the development and sharing of best practices or strategies for improving meaningful, equitable access for public school students and their family members who have

language access barriers, including effective use of interpreters and when to provide translated documents in other formats.

The work group must develop recommendations for practices and policies that should be adopted at the state or local level to improve meaningful, equitable access for public school students and their family members who have language access barriers, including recommendations on the following topics:

- standards for interpreters working in education settings, including familiarity with legal concepts related to, and service requirements, of federal special education laws;
- development and assessment of interpreters' knowledge of education terminology;
- the feasibility and cost-effectiveness of adapting another state agency's interpreter program to test, train, or both, interpreters for educational purposes;
- updates to the WSSDA's model language access policy;
- use of remote interpreter services, including the conditions under which remote interpreter services may be used to provide high quality interpreter services; and
- data collection and use necessary to create and improve state and local language access programs.

Up to 25 work group members must be selected who: (a) are geographically diverse and represent people with a variety of language access barriers; and (b) represent the Educational Opportunity Gap Oversight and Accountability Committee; the state School for the Blind; the Childhood Center for Deafness and Hearing Loss; the Special Education Advisory Council at the OSPI; the WSSDA; a state association of teachers; a state association of principals; a state association of parents; the state commissions on African-American Affairs, Asian Pacific American Affairs, and Hispanic Affairs; the Governor's Office of Indian Affairs; interpreters working in education settings; interpreter unions; families with language access barriers; and community-based organizations supporting families with language access barriers.

The OSPI and the OEO must provide staff support to the work group. The work group may form subcommittees and consult with necessary experts.

By October 1, 2020, the work group must report its findings and recommendations to the Legislature.

School districts must document the preferred language of families of special education students and whether a qualified interpreter was provided at any planning meeting related to a student's individualized education program or section 504 plan or meetings related to school discipline and truancy. "Qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 28, 2019