

E2SHB 1153 - S COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 3/2/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) It is the policy of the state to welcome and encourage the
5 presence of diverse cultures and the use of diverse languages and
6 modalities of communication in business, government, and private
7 affairs in this state. To this end, the state has developed
8 interpreter credentialing programs for court, medical, and social
9 service settings.

10 (b) According to a report from the United States department of
11 education, 50 years of research has shown that family engagement has
12 beneficial impacts on student grades, test scores, drop-out rates,
13 students' sense of competence, and beliefs about the importance of
14 education. In Washington, many students' family members have language
15 access barriers because they prefer to communicate in a language
16 other than English or require communication assistance services.
17 Washington public schools' ability to effectively communicate with
18 students and their family members who have language access barriers
19 plays a vital role in reducing educational opportunity gaps. Failure
20 to provide language access hinders communication between schools and
21 families, which leads to long-term economic costs when a substantial
22 fraction of the students in Washington are not able to realize their
23 full potential.

24 (c) Effective two way communication between school staff and
25 student's families in educational settings outside the classroom is
26 not taking place for a variety of reasons, including: (i) Some school
27 districts do not consistently assess the language needs of their
28 communities or consistently evaluate the effectiveness of their
29 language access services; (ii) resources, including time and money,
30 are often not prioritized to engage families with language access
31 barriers; and even when language access is a priority, some districts
32 do not know the best practices for engaging families with language

1 access barriers; (iii) school staff are often not trained on how to
2 engage families with language access barriers, how to engage and use
3 interpreters in educational settings outside the classroom, or when
4 to provide translated documents; and (iv) there are not enough
5 interpreters qualified to work in educational settings outside the
6 classroom.

7 (d) Providing meaningful, equitable language access to students
8 and their family members who have language access barriers is not
9 only a civil right, but will help students meet the state's basic
10 education goals under RCW 28A.150.210 resulting in a decrease in the
11 educational opportunity gap between learners with language access
12 barriers and other students, because student outcomes improve when
13 families are engaged in their student's education.

14 (2) Therefore, the legislature intends to require public schools
15 to implement a language access plan and program for culturally
16 responsive, systemic family engagement developed through meaningful
17 stakeholder engagement. The legislature intends to provide training,
18 tools, and other technical assistance to public schools to support
19 the development, implementation, and evaluation of their language
20 access plans and programs. In addition, the legislature intends to
21 direct the development and implementation of credentialing for spoken
22 and sign language interpreters for students' families in educational
23 settings outside the classroom, with the goal of creating a
24 professional interpreter workforce guided by a code of ethics and
25 standards of practice. Finally, the legislature intends to establish
26 an ongoing advisory committee to guide, monitor, and report on the
27 implementation of these new policies.

28 NEW SECTION. **Sec. 2.** The definitions in this section apply
29 throughout this chapter unless the context clearly requires
30 otherwise.

31 (1) "Interpreter" means a spoken language or sign language
32 interpreter working in a public school, as defined in RCW
33 28A.150.010, to interpret for students' families, students, and
34 communities in educational settings outside the classroom.

35 (2) "Qualified interpreter" means an interpreter who is able to
36 interpret effectively, accurately, and impartially, both receptively
37 and expressively using any necessary specialized vocabulary until the
38 office of the superintendent of public instruction and the Washington

1 professional educator standards board establish a different
2 definition in rule making.

3 (3) "2020 and 2021 reports of the language access work group"
4 means the reports of the language access work group created by
5 section 2, chapter 256, Laws of 2019, and reconvened and expanded by
6 section 501(3)(g), chapter 334, Laws of 2021.

7 NEW SECTION. **Sec. 3.** The principles of an effective language
8 access program for culturally responsive, systemic family engagement
9 are as follows:

10 (1) Accessibility and equity. Schools provide access to all; two-
11 way communication is a priority and is woven into the design of all
12 programs and services;

13 (2) Accountability and transparency. The language access program
14 and decision-making processes at all levels are: Open, accessible,
15 and useable to families; proactive, not reactive; continuously
16 improved based on ongoing feedback from families and staff; and
17 regulated by a clear and just complaint process;

18 (3) Responsive culture. Schools are safe, compassionate places
19 where each family's opinions are heard, needs are met, and
20 contributions are valued. School staff are humble and empathetic
21 towards families; and

22 (4) Focus on relationships. Schools seek to relate to families on
23 an individual level, building trust through respectful relationships
24 that recognize the unique strengths that each family and student
25 possesses.

26 NEW SECTION. **Sec. 4.** (1) The center for the improvement of
27 student learning established in RCW 28A.300.130 must implement a
28 language access technical assistance program for culturally
29 responsive, systemic family engagement that meets the requirements of
30 this section.

31 (2) Subject to the availability of amounts appropriated for this
32 specific purpose, the language access technical assistance program
33 must:

34 (a) Adhere to the principles of an effective language access
35 program for culturally responsive, systemic family engagement
36 established in section 3 of this act;

37 (b) Provide training and technical assistance to support the
38 implementation of language access programs for culturally responsive,

1 systemic family engagement required under sections 5 and 8 of this
2 act;

3 (c) Develop and maintain training modules for interpreters on
4 interpreting for students' families and students in educational
5 settings outside the classroom;

6 (d) Develop, periodically update, and publish a language access
7 toolkit that includes the following resources:

8 (i) A self-assessment for evaluating the provision of language
9 access services;

10 (ii) A guide for the development, implementation, and evaluation
11 of a language access policy, procedures, and plan that meets the
12 specific needs of families and the community;

13 (iii) Best practices for using interpreter services provided by
14 dual role staff and contract interpreters, for using remote
15 interpretation, and for translating documents;

16 (iv) Language access service evaluation templates for spoken and
17 sign languages;

18 (v) Information for students' families about their language
19 access rights, translated into English, Spanish, and at least the
20 next nine languages most commonly used by students and their
21 families; and

22 (vi) Sample job description of school district language access
23 coordinators and building points of contact for language access
24 services;

25 (e) Develop, periodically update, and publish bilingual
26 glossaries of education terminology;

27 (f) Analyze and publish language access and language access
28 service information submitted as required under section 6 of this
29 act. In addition to disaggregation by the student race and ethnicity
30 categories and subcategories described in RCW 28A.300.042 (1) and
31 (3), the published information must be disaggregated, to the extent
32 possible, by language, school district and school, type of meeting,
33 and other demographics or categories; and

34 (g) Provide staff support for the language access advisory
35 committee established in section 10 of this act.

36 (3) The activities of and resources provided by the language
37 access technical assistance program must take into consideration the
38 recommendations in the 2020 and 2021 reports of the language access
39 work group.

1 NEW SECTION. **Sec. 5.** (1) Each school district must designate a
2 language access liaison to facilitate district compliance with state
3 and federal laws related to family engagement, including the
4 requirements under this section and section 6 of this act. If a
5 school district has a language access coordinator with duties as
6 described in subsection (4)(c) of this section, the language access
7 coordinator may also be the language access liaison.

8 (2) By October 1, 2022, each school district must adopt a
9 language access policy and procedures that adheres to the principles
10 of an effective language access program for culturally responsive,
11 systemic family engagement established in section 3 of this act and
12 incorporates the model policy and procedures described in section 9
13 of this act.

14 (3) Beginning with the 2023-24 school year, each school district
15 must implement a language access program for culturally responsive,
16 systemic family engagement. Implementation of a language access
17 program requires that a school district, at a minimum, complete the
18 following activities:

19 (a) Adopt a language access plan that outlines how the school
20 district identifies language access needs, allocates resources,
21 establishes standards for providing language access services, and
22 monitors the effectiveness of the language access program;

23 (b) Administer the self-assessment for evaluating the provision
24 of language access services, which is part of the toolkit described
25 in section 4 of this act;

26 (c) Use the guide for the development, implementation, and
27 evaluation of a language access policy, procedures, and plan, which
28 is part of the toolkit described in section 4 of this act. The
29 processes for developing and evaluating the language access policy,
30 procedures, and plan must engage staff, students' families, and other
31 community members in ways likely to result in timely and meaningful
32 feedback, for example partnering with community based organizations
33 and providing translation and interpretation in common languages
34 understood by students' families;

35 (d) Review, periodically, the language access policy and
36 procedures adopted as required under subsection (2) of this section
37 to incorporate updates made to the model policy and procedures
38 described in section 9 of this act;

39 (e) Collaborate with community-based organizations on how to work
40 effectively with interpreters; and

1 (f) Review, update, and publish, at least annually, information
2 about the school district's language access plan, policy and
3 procedures, and language access services, including the need for, and
4 spending on, language access services. The information must include
5 notice to families about their right to free language access services
6 and the contact information for any school district language access
7 coordinator and any building points of contact for language access
8 services. The information must be translated into common languages
9 understood by students' families.

10 (4) (a) Except as required under (b) of this subsection, school
11 districts are encouraged to have a language access coordinator with
12 the duties described in (c) of this subsection.

13 (b) Beginning with the 2023-24 school year, school districts with
14 at least 50 percent English learner enrollment or greater than 75
15 languages used by students or families must either: (i) Have a full-
16 time language access coordinator with the duties described in (c) of
17 this subsection; or (ii) annually report to the office of the
18 superintendent of public instruction the total number of hours school
19 district staff spent performing the language access coordinator
20 duties described in (c) of this subsection and other information as
21 required by the office of the superintendent of public instruction.

22 (c) The duties of the school district language access coordinator
23 are to: (i) Serve as the primary contact for families, community
24 members, school district staff responsible for monitoring compliance
25 with chapter 28A.642 RCW, the office of the superintendent of public
26 instruction, and the office of the education ombuds on issues related
27 to language access needs and language access services; (ii)
28 collaborate with any building points of contact for language access
29 services; (iii) receive training and technical assistance provided
30 under section 4 of this act; and (iv) deliver language access
31 training and support to school district staff.

32 (5) The requirements in this section do not apply to school
33 districts with both fewer than 1,000 enrolled students and less than
34 10 percent English learner enrollment.

35 NEW SECTION. **Sec. 6.** (1) School districts must annually collect
36 the following language access and language access service information
37 for use by the school district:

38 (a) The language in which each student and student's family
39 prefers to communicate;

1 (b) Whether a qualified interpreter for the student's family was
2 requested for and provided at meetings reported in the longitudinal
3 student data system established under RCW 28A.300.500; and

4 (c) Other data on provision of language access services.

5 (2) School districts must submit the information collected under
6 subsection (1) of this section at the time and in the manner required
7 by the office of the superintendent of public instruction.

8 (3) Beginning in the 2023-24 school year, school districts must
9 provide an opportunity for participants in each interpreted meeting
10 to provide feedback on the effectiveness of the interpretation and
11 the provision of language access services.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.710
13 RCW to read as follows:

14 Sections 5 and 6 of this act govern school operation and
15 management under RCW 28A.710.040 and apply to charter schools
16 established under this chapter.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.40
18 RCW to read as follows:

19 The center for deaf and hard of hearing youth and the state
20 school for the blind must comply with the requirements in sections 5
21 and 6 of this act.

22 NEW SECTION. **Sec. 9.** (1) By August 1, 2022, and periodically
23 thereafter, the Washington state school directors' association must
24 collaborate with the office of the superintendent of public
25 instruction to update a model policy and procedures for implementing
26 a language access program for culturally responsive, systemic family
27 engagement.

28 (a) When updating the model policy and procedures, the Washington
29 state school directors' association must perform a racial equity
30 impact analysis that involves the community.

31 (b) The model policy and procedure must include procedures for
32 the school district board of directors to annually review the
33 spending on and the need for language access services.

34 (c) The model policy and procedure must address procedures for
35 effective communication with students' families who are deaf, deaf
36 and blind, blind, hard of hearing, or need other communication
37 assistance.

1 (d) The elements of the model policy and procedures must take
2 into consideration the recommendations in the 2020 and 2021 reports
3 of the language access work group.

4 (2) The office of the superintendent of public instruction and
5 the Washington state school directors' association must maintain the
6 model policy and procedures on each agency's website, at no cost to
7 school districts.

8 NEW SECTION. **Sec. 10.** (1) The office of the superintendent of
9 public instruction shall establish the language access advisory
10 committee to guide and monitor the implementation of this act and to
11 recommend changes to requirements, policies, and procedures related
12 to language access and language access services for students'
13 families, students, and communities in educational settings outside
14 the classroom.

15 (2) At a minimum, the advisory committee must guide, monitor, and
16 make recommendations on the following topics:

17 (a) The effectiveness of language access policies, procedures,
18 and programs;

19 (b) Family and community engagement, with a focus on
20 multicultural families, families whose students have multiple
21 barriers to student achievement, and families least engaged with
22 their schools;

23 (c) The definition of "qualified interpreter";

24 (d) Supply of and demand for interpreters;

25 (e) Training for interpreters;

26 (f) Credentialing requirements for interpreters, including a code
27 of professional conduct;

28 (g) Grants to cover nonstate controlled interpreter credentialing
29 requirement costs;

30 (h) Language access and language access service data collection
31 and analysis; and

32 (i) Evidence-based practices regarding language access, including
33 best practice for using state and federal funding to provide language
34 access services.

35 (3) (a) The members of the advisory committee must include
36 representatives from spoken and sign language services users,
37 community organizations that provide direct services to non-English
38 speaking families, interpreters for students' families, interpreter

1 preparation programs, advocacy organizations, schools, and school
2 districts.

3 (b) Members of the advisory committee must be reimbursed for
4 travel expenses in accordance with RCW 43.03.050 and 43.03.060.
5 Subject to available funding and as determined by the office of the
6 superintendent of public instruction, members of the advisory
7 committee who do not receive compensation from their employer or
8 contractor for attendance, either in person or virtually, at a
9 meeting of the advisory committee are eligible for a stipend.

10 (4) Staff support for the advisory committee must be provided by
11 the language access technical assistance program described in section
12 4 of this act, except with respect to credentialing requirements for
13 interpreters, for which staff support must also be provided by the
14 Washington professional educator standards board.

15 (5) The advisory committee must collaborate with the Washington
16 professional educator standards board, the Washington state office of
17 equity established in RCW 43.06D.020, the educational opportunity gap
18 oversight and accountability committee created in RCW 28A.300.136,
19 and other office of the superintendent of public instruction
20 committees that focus on ensuring equity in access to opportunities
21 for all students.

22 (6) By November 1, 2024, and periodically thereafter, the
23 advisory committee must submit, in compliance with RCW 43.01.036, a
24 report on implementation of this chapter to the office of the
25 superintendent of public instruction, the Washington professional
26 educator standards board, the governor, and the appropriate
27 committees of the legislature.

28 NEW SECTION. **Sec. 11.** (1) The office of the superintendent of
29 public instruction and the Washington professional educator standards
30 board shall collaborate to establish credentialing requirements for
31 interpreters as described in this section.

32 (2) Prior to establishing new credentialing requirements for
33 interpreters, the office of the superintendent of public instruction
34 and the Washington professional educator standards board must consult
35 with the language access advisory committee established in section 10
36 of this act.

37 (3) The credentialing requirements for interpreters must take
38 into consideration the recommendations in the 2020 and 2021 reports
39 of the language access work group.

1 (4) Credentialing requirements for interpreters, which must
2 include minimum employment requirements, may be phased in as training
3 and testing options become available and may be tiered based on the
4 structure and significance of the interaction between school staff
5 and the student's family.

6 (5) The office of the superintendent of public instruction and
7 the Washington professional educator standards board must establish,
8 and periodically update, a definition of "qualified interpreter" for
9 purposes of this chapter and for other purposes.

10 (6) Once a code of professional conduct for interpreters is
11 established, the superintendent of public instruction has the power
12 to issue, suspend, and revoke interpreter credentials to which the
13 code applies and to take other disciplinary actions against
14 interpreters to which the code applies.

15 (7) Any activities provided by the office of the superintendent
16 of public instruction or the professional educator standards board
17 that are required to meet credentialing requirements, including
18 training, testing, and applications, must be made available at no
19 cost to people who want to be interpreters.

20 (8) The electronic educator certification process must be adapted
21 to include interpreter credentials.

22 NEW SECTION. **Sec. 12.** The office of the superintendent of
23 public instruction and the Washington professional educator standards
24 board may adopt rules under chapter 34.05 RCW that are necessary for
25 the effective and efficient implementation of this chapter.

26 NEW SECTION. **Sec. 13.** RCW 28A.155.230 (Student language) and
27 2019 c 256 s 3 are each repealed.

28 NEW SECTION. **Sec. 14.** Sections 2 through 6 and 9 through 12 of
29 this act constitute a new chapter in Title 28A RCW.

30 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
31 this act, referencing this act by bill or chapter number, is not
32 provided by June 30, 2022, in the omnibus appropriations act, this
33 act is null and void."

ADOPTED 3/2/2022

1 On page 1, line 1 of the title, after "schools;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 28A.710 RCW; adding a new section to chapter 72.40 RCW; adding a new
4 chapter to Title 28A RCW; creating new sections; and repealing RCW
5 28A.155.230."

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