

HOUSE BILL REPORT

HB 1153

As Reported by House Committee On:
Education

Title: An act relating to language access in public schools.

Brief Description: Increasing language access in public schools.

Sponsors: Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez.

Brief History:

Committee Activity:

Education: 1/26/21, 2/12/21 [DPS].

Brief Summary of Substitute Bill

- Establishes four principles of an effective language access program for culturally responsive, systemic family engagement.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to implement a Language Access Technical Assistance Program that includes specified activities, which are subject to state funding.
- Requires school districts and charter schools to: (1) collect data on language access and language assistance services; and (2) implement, beginning with the 2022-23 school year, language access programs that meet stated requirements.
- Requires the Washington State School Directors' Association to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.
- Directs the OSPI and the Office of the Education Ombuds to jointly reconvene a work group and report to the Legislature by December 1, 2021, with recommendations related to: (1) standards, training, testing, and credentialing for, spoken and sign language interpreters for students'

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families; and (2) information collection about language access coordinators.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg, Bergquist, Callan, Ortiz-Self, Rude, Steele and Stonier.

Minority Report: Without recommendation. Signed by 3 members: Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

Staff: Megan Wargacki (786-7194).

Background:

Language Access Work Group and Report. In 2019 the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) and the Office of the Education Ombuds (OEO) to jointly convene a Language Access Work Group (work group). The purpose of the work group was stated as improving meaningful, equitable access for public school students and their family members who have language access barriers.

As directed, the work group submitted a report of its findings and recommendations to the Legislature in October 2020. The report provides recommendations to the OSPI, the Washington State School Directors' Association (WSSDA), the Legislature, and others on 10 topics, for example: elements of an effective language program for systemic family engagement and a plan for the implementation of this program, a tiered program for technical assistance, interpreter standards and testing systems, and data collection.

Qualified Interpreter. Beginning in the 2019-20 school year, school districts must 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 planning meeting related to a student's individualized education program (IEP) or plan developed under section 504 of the rehabilitation act of 1973 (504 plan), and 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.

Civil Rights Laws. Title II of the Americans with Disabilities Act requires that public schools ensure meaningful communication with students' parents in a language that they can understand. Title VI of the Civil Rights Act of 1964 requires that public schools provide aids and services needed to communicate effectively with students' parents who have

hearing, vision, or speech disabilities.

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.

Summary of Substitute Bill:

In general, the activities described below must align with the recommendations in the October 2020 Report of the Language Access Work Group.

Principles of an Effective Language Access Program. The four principles of an effective language access program for culturally responsive, systemic family engagement are accessibility and equity, accountability and transparency, responsive culture, and focus on relationships. Additional descriptions of each principle are provided.

Language Access Technical Assistance Program. The OSPI must establish and implement a language access technical assistance program (TA program) that includes specified activities that are subject to state funding. For example, the TA program must: (1) provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement; (2) publish a language access toolkit that includes the indicated resources; and (3) analyze and publish information on language access and language assistance services submitted by school districts and charter schools.

Model Policy and Procedure. By February 1, 2022, and periodically thereafter, the WSSDA must collaborate with the OSPI to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement. When updating the model policy and procedures, the WSSDA must perform a racial equity impact analysis that involves the community. The model policy and procedures must be maintained on the WSSDA and the OSPI websites.

Information Collection and Submission. School districts and charter schools must annually collect, use, and submit to the OSPI: (1) the language in which each student and student's family prefers to communicate; and (2) whether a qualified interpreter was provided at any planning meeting related to a student's IEP or 504 plan and meetings related to school discipline and truancy. School districts and charter schools must also annually collect and use feedback from participants in each interpreted meeting on the effectiveness of the interpreter and the provision of language assistance services. The OSPI may adopt rules to implement the information collection and submission requirements.

Language Access Programs. Beginning with the 2022-23 school year, each school district and charter school must implement a language access program for culturally responsive, systemic family engagement. School districts and charter schools must use the self-

assessment for evaluating the provision of language assistance services and the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that are part of the toolkit published by the TA program. A language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement and incorporates the model policy and procedures must be adopted.

The duties of a language access coordinator are specified and include serving as the primary contact for families, community members, school district staff, and agency staff and delivering language assistance training and support to school staff. School districts and charter schools with at least 50 percent English learner enrollment or greater than 75 languages spoken by students or families must either have a full-time language access coordinator or annually report to the OSPI the total number of hours district staff spent performing the language access coordinator duties and other information.

School districts and charter schools must annually publish information about their language access policy and language assistance services. The information must include notice to families about their right to free language assistance services and the contact information for any language access coordinator and any school points of contact for language assistance services. The information must be translated into common languages understood by students' families.

Work Group Reconvened. The OSPI and the OEO must jointly reconvene an expanded version of the Language Access Work Group for the purpose of developing recommendations related to: (1) standards, training, testing, and credentialing for spoken and sign language interpreters for students' families; and (2) a plan for collecting information related to language access coordinators in schools and school districts.

With regard to standards, the work group must consider recommendations related to standards of ethics, cultural competency, and practice that qualify interpreters to provide spoken or sign language interpretation for students' families. With regard to information collection, the work group must design a plan for effectively collecting valid and reliable information about school district language access coordinators.

With regard to a program for training, testing, and credentialing interpreters for students' families, the work group must, at a minimum, consider seven questions, for example: (1) whether the credential should be a certificate of completion, a professional license, or another type of credential; (2) whether training and testing should be standardized and uniform across providers; (3) whether any aspects of the program should be different for dual language paraeducators versus professionally licensed interpreters; and (4) whether the program should be a requirement for existing interpreters.

Up to 35 work group members, who are geographically diverse, must be selected to represent the following groups: 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 Puget Sound Educational Service District's Family and Community Engagement Program; the Association of Educational Service Districts; school board directors; teachers; paraeducators; principals; school administrators; parents with language access barriers; the Washington state commissions on African American affairs, Asian Pacific American affairs, and Hispanic affairs; the Governor's Office of Indian Affairs; the Tribal Leaders Congress on Education; interpreters working in education settings; the Department of Social and Health Services' Language Testing and Certification Program; the Administrative Office of the Courts' interpreter program; interpreter unions; an interpreter training program as selected by the State Board for Community and Technical Colleges; the Professional Educator Standards Board; the Office of Equity; families with language access barriers; and community-based organizations supporting families with language access barriers. To the extent possible, selected members must have language access barriers, or manage or provide language assistance services.

A six-member steering group representing specified agencies and organizations must conduct agenda setting, consultation with experts, and other administrative tasks. The OSPI and the OEO must provide staff support to the work group. By December 1, 2021, the work group must report its findings and recommendations to the Legislature.

Substitute Bill Compared to Original Bill:

The substitute bill makes the activities of the OSPI language access technical assistance program subject to state funding. It requires school districts and charter schools to collect feedback from participants in each interpreted meeting on the effectiveness of the provision of language assistance services. The substitute bill no longer requires the work group or the WSSDA to consult with federally recognized tribes within Washington.

The substitute bill adds to the duties of the work group by requiring recommendation of a plan for collection of information related to language access coordinators in schools and school districts. It directs the work group to consider whether the training, testing, and credentialing requirements should apply to existing interpreters. The substitute bill specifies that the work group must have a six-member steering group.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 12, 2021.

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

Staff Summary of Public Testimony:

(In support) Schools must be designed, and staff trained, to welcome and engage all families in the school system, including families who need spoken or sign language interpretation and translation. The skills of these families should be honored and embraced.

Language access is a civil rights issue that disproportionately impacts families and communities who have limited English proficiency, and who are deaf, blind, or need other communication assistance. This bill will allow the state to provide needed technical assistance to school districts.

The contents of the bill honor the work of the Language Access Work Group. Open Doors was a leader in the conception of the bill and throughout the process. Tribal leaders were consulted and they request that more work be done in the interim to address tribal languages.

All families should have the equal ability to engage with schools as partners in their students' education. Families need to be able to understand communications coming from the school district to support their children. Thousands of parents are disenfranchised because of language barriers. Since the beginning of the school closures last March, lack of language access has further left behind refugee and immigrant families.

Parents with language access barriers often have difficulties communicating with school staff. These parents want to engage, and their children try to help by translating. Interpretation is hard and stressful for students. Rather than interpreting for their family members, these students should be fully engaged in their education, supported by their family members. This requires that their families understand and are included in conversations about their education, which is more accessible with interpretation services.

Teachers are overwhelmed with their responsibility to engage students who do not speak English, but there are very few interpreters in the classrooms. If there were interpreters in the schools, it would help multilingual students thrive. Interpreters should have integrity and standards to help them engage with students and their families who have language access barriers. Education quality is directly proportional to the resources invested in students.

Some school staff do not communicate with parents who have language access barriers. Some schools do not provide interpreters for sports for students who are deaf, which affects students' athletic activities. An interpreter coordinator will decrease misunderstandings and screen the quality of interpreters for the classroom and sports activities.

It is important to have an advisory committee of students and their families to give advice on language assistance. These are the people who have been affected by language access issues and they have the solutions. A family and community advisory board will give families a platform to give recommendations on how to better their children's education through language access.

There is no greater need than to eliminate language barriers for children and their parents, especially in the school system. There have been advances in the legal and healthcare sectors, but the school system needs to be changed in a systematic way, including trainings and changing mindsets. The state can lead nationally in welcoming and being an inclusive state for everyone who resides here.

(Opposed) None.

(Other) This bill will move the state from intent to action in supporting districts in regularly meeting the language access needs of their families and schools. The bill will help districts be ready to proactively meet their existing civil rights obligations in an effective and cost-efficient manner. The state technical assistance program will help ensure that all types and sizes of districts have access to support in identifying and meeting the particular language access needs of their communities. It will also facilitate resource sharing, as tools to continue to support language access will evolve, including for virtual spaces. The continuation of the work group is essential because the state needs to make sure that districts have the ability to retain and recruit qualified interpreters. It is time to begin a new model practice around language access, which is to require that model policies and procedures be made available in Spanish and English.

Persons Testifying: (In support) Representative Orwall, prime sponsor; Brian Stromberg; Moses Perez, Open Doors for Multicultural Families; Heather Rees, Office of the Superintendent of Public Instruction; Kaitie Dong, OneAmerica; Rukia Adan and Ilene Lagraba, OneAmerica Youth Council; and Manuela Slye, Seattle Council PTSA.

(Other) Rose Spidell, Washington State Office of the Education Ombuds.

Persons Signed In To Testify But Not Testifying: Joy Sebe, Sunny Gao, and Wai Yan Lee, Open Doors for Multicultural Families; Lucinda Young, Washington Education Association; and Laurie Weidner, Professional Educator Standards Board.