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**SENATE BILL 5606**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Wellman, Das, Kuderer, Nguyen, Darneille, Hunt, Keiser, Carlyle, Takko, Saldaña, and Wilson, C.

AN ACT Relating to language access in public schools; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.155 RCW; creating new sections; providing an effective date; and providing expiration dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that:

(1) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages in business, government, and private affairs in this state;

(2) The number of world language speakers in Washington's public schools has substantially increased over the last decade. The office of the superintendent of public instruction reports that 11.5 percent of the state's public school students were English learners as of May 2018, and more than two hundred different languages are spoken in students' homes. The office of the education ombuds reports that two hundred fifty of the state's two hundred ninety-five school districts serve students with non-English home languages and families with limited English proficiency;

(3) 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 limited proficiency constitutes national origin discrimination;

(4) Washington public schools' ability to effectively communicate with students and families with limited English proficiency impacts the schools' ability to engage students and families effectively in the education process and contributes to inequalities and increased gaps in student achievement;

(5) Effective communication is not taking place for a variety of reasons, including: (a) Some school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (b) resources, including time and money, are often not prioritized to engage families with limited English proficiency; and even when language access is a priority, some districts do not know the best practices for engaging families with limited English proficiency; (c) school staff are often not trained on how to engage families with limited English proficiency, how to access and use interpreters, or when to provide translated documents; and (d) there are not enough interpreters qualified to work in educational settings; and

(6) Providing meaningful, equitable access to students and families with limited English proficiency will not only help schools meet their civil rights obligations, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between English learners and other students, because student outcomes improve when families are engaged in the student's education.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) In order to help public schools meet their civil rights obligations related to providing meaningful access to persons with limited English proficiency, the office of the superintendent of public instruction shall implement a technical assistance program for language access. The technical assistance program must:

(a) Identify and disseminate best practices for providing language access services that emphasize systemic family engagement strategies for linguistically and culturally diverse families as a foundational step toward addressing language access challenges;

(b) Offer technical assistance related to language access plan development and implementation, language service planning and budget development, and language access data collection and analysis;

(c) Develop and disseminate a tool kit to help public schools: (i) Assess the language needs of their communities; and (ii) develop, implement, and evaluate their language access plans and language services;

(d) Publish educational terminology glossaries in non-English languages commonly spoken by students' families who are limited English proficient; and

(e) By June 1, 2020, develop, and make available on the office of the superintendent of public instruction's web site, a language access training program for staff that describes: (i) The components of the language access plan; (ii) how to engage families with limited English proficiency; (iii) how to access and use interpreters; (iv) when to provide translated documents or information in other formats; (v) best practices for implementing systemic family engagement strategies; and (vi) how to use the tool kit and technical assistance program described under this section. The language access training program must be designed to be implemented in conjunction with school district-provided information sessions for families with limited English proficiency on how to meaningfully engage with their students' schools.

(2) Beginning in the 2022-23 school year, the office of the superintendent of public instruction shall 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.

(3) In developing the technical assistance and monitoring programs described in this section, the office of the superintendent of public instruction shall consult with representatives of the office of the education ombuds, the office of the superintendent of public instruction's center for the improvement of student learning and equity and civil rights office, the educational opportunity gap oversight and accountability committee, interpreters working in education settings, interpreter organizations, language access experts, community-based organizations supporting families with limited English proficiency, families with limited English proficiency, an educational service district with expertise in training interpreters, school districts, and rural communities. The office of the superintendent of public instruction must also consult with these representatives 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.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) By November 20, 2026, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with a summary of the activities of the technical assistance and monitoring programs described under section 2 of this act and recommendations that support the demonstrated language access needs of families with limited English proficiency. In preparing these recommendations, the office of the superintendent of public instruction must analyze the data collected under section 6 of this act.

(2) This section expires August 1, 2027.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts must supplement the language access training program developed under section 2 of this act with district-specific policies, procedures, and other information.

(2) Staff in the following categories must complete the language access training program described in subsection (1) of this section: Certificated instructional staff, certificated administrative staff, paraeducators, and front office staff.

NEW SECTION. **Sec.**  (1) The office of the superintendent of public instruction shall convene a work group to:

(a) Guide the development of training standards or a curriculum for interpreters working in elementary and secondary public schools; and

(b) Recommend whether interpreters working in education settings should be required to complete the curriculum or meet the standards and, if so, how.

(2) The office of the superintendent of public instruction shall select the members of the work group according to the following requirements:

(a) Members must include representatives of the office of the education ombuds, the office of the superintendent of public instruction, the professional educator standards board, the educational opportunity gap oversight and accountability committee, interpreters working in education settings, interpreter unions, language access experts, community-based organizations supporting families with limited English proficiency, families with limited English proficiency, an educational service district with expertise in training interpreters, school districts, state education associations, colleges and universities that either have or had an interpreter program or are interested in establishing an interpreter program, and others deemed necessary by the office of the superintendent of public instruction;

(b) The maximum number of work group members is twenty-five, including at least three representatives of community-based organizations supporting family members with limited English proficiency and three representatives of families with limited English proficiency; and

(c) Members must be ethnically, racially, and geographically diverse.

(3) The office of the superintendent of public instruction shall provide staff support to the work group.

(4) The office of the superintendent of public instruction shall contract with an organization to develop training standards or a curriculum for interpreters working in elementary and secondary public schools. The organization must have the depth of expertise necessary to develop the standards or curriculum.

(5) The office of the superintendent of public instruction may reimburse members of the work group representing families with limited English proficiency for travel expenses and per diem.

(6) By November 20, 2020, and in compliance with RCW 43.01.036, the work group must submit a report to the appropriate committees of the legislature that:

(a) Includes the interpreter training standards or curriculum; and

(b) Recommends whether interpreters working in education settings should be required to complete the curriculum or meet the standards and, if so, how.

(7) This section expires August 31, 2021.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) Within thirty days of a student's enrollment, the school district must determine:

(a) The language in which the enrolled student's family prefers to communicate with the school; and

(b) 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.

(2) Beginning in the 2019-20 school year, each school district must annually collect and submit to the office of the superintendent of public instruction the information described under subsection (1) of this section.

(3) Beginning in the 2019-20 school year, before developing, revising, and implementing its language access plan and before planning and budgeting for language access services, each school district must analyze the information collected under subsection (2) of this section.

(4) The office of the superintendent of public instruction may adopt rules in accordance with chapter 34.05 RCW as necessary to implement this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.155 RCW to read as follows:

(1) 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 or plan developed under section 504 of the rehabilitation act of 1973.

(2) For the purposes of this section, "qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

NEW SECTION. **Sec.**  Section 4 of this act takes effect August 1, 2021.

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