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**SUBSTITUTE SENATE BILL 5787**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Jayapal, Fain, McAuliffe, Darneille, and Hasegawa)

AN ACT Relating to a model policy and procedures for language access by limited-English proficient parents of students; amending RCW 28A.300.580; adding a new section to chapter 28A.320 RCW; and repealing RCW 28A.345.032.

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

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

(1) By July 1, 2016, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, shall develop a model policy and procedures for language access by limited-English proficient parents. In developing the model policy and procedures, the school directors' association shall consider any guidance materials created by the United States department of justice, the United States department of education, and the office of the superintendent of public instruction, regarding how school districts can effectively assess their language access needs and how to develop appropriately tailored language access plans. The model policy and procedures must at a minimum address:

(a) Guidance and procedures for timely and accurate identification of limited-English proficient parents and guardians and their language access needs;

(b) A recommended process and procedures for when and how to access an interpreter;

(c) A prohibition on the use of students or children as interpreters for school-related communications;

(d) Procedures to ensure appropriate staff are aware of parents' or guardians' need for language assistance, including guidance for all school administrators, teachers, and other appropriate staff regarding when and how to access an interpreter or translation services in a timely manner;

(e) A process for communicating with parents and guardians about their rights under federal and state law 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.

(2) The office of the superintendent of public instruction shall convene an advisory committee with representatives of parents, school administrators, school principals, classified and certificated staff, and other appropriate parties with interest in language access for limited-English parents to develop sample materials for school districts to disseminate to both school employees and parents regarding parents' rights under the model policy developed by the Washington state school directors' association and the resources available to assist parents and guardians in accessing the services available to them. The development of the sample materials must be completed by July 1, 2016.

(3) The school directors' association shall post the model policy and procedures developed under subsection (1) of this section and a link to the sample materials developed by the advisory committee under subsection (2) of this section on its web site.

(4) Each school district board of directors shall establish its own language access policy and procedures by January 1, 2017, and shall make the policy and procedures available on the district's web site. The language access policy and procedures adopted by each school district shall at a minimum include the five minimum requirements found in subsection (1) of this section.

(a) By January 1, 2017, each school district shall notify the office of the superintendent of public instruction whether the district adopted the model policy, procedures, and sample materials or the district adopted something different. If the district subsequently revises the district policy, then the district shall notify the office of the superintendent of public instruction and the superintendent shall update the list under (b) of this subsection accordingly.

(b) The office of the superintendent of public instruction shall maintain and have available upon request a list of school districts that have and have not adopted the Washington state school directors' association's model policy developed under subsection (1) of this section.

(5) The office of the superintendent of public instruction shall adopt rules regarding school districts' communication of the language access policy and procedure to parents, students, employees, and volunteers.

**Sec.**  RCW 28A.300.580 and 2014 c 150 s 4 are each amended to read as follows:

(1) The office of the superintendent of public instruction ((~~and the office of the education ombuds~~)) shall develop a list of and post information on the agency's web site regarding:

(a) Language access services providers available to school districts, including but not limited to, the phone interpretation vendors on contract with the state of Washington, including contact information; and

(b) Training programs that are available to support school districts in preparing employees for how to access and effectively use an interpreter.

(2) The list created under subsection (1) of this section shall be updated and sent to all school districts annually. School districts shall make this list available to school personnel on an annual basis.

(3) School districts are encouraged to use the phone interpretation services addressed in subsection (1) of this section to communicate with student's parents, legal guardians, and family members who have limited English proficiency.

NEW SECTION. **Sec.**  RCW 28A.345.032 (Model family language access policy and procedure) and 2014 c 150 s 3 are each repealed.

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