

SENATE BILL REPORT

SB 5787

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 19, 2015

Title: An act relating to a model policy and procedures for language access by limited-English proficient parents of students.

Brief Description: Concerning a model policy and procedures for language access by limited-English proficient parents of students.

Sponsors: Senators Jayapal, Fain, McAuliffe, Darneille and Hasegawa.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/17/15, 2/19/15 [DPS-WM].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5787 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Billig, Fain, Hill, Mullet, Rivers and Rolfes.

Staff: Susan Mielke (786-7422)

Background: Model Policy. In 2014 the Legislature directed the Washington School Directors Association (WSSDA), with the Office of the Education Ombuds (OEO) and other interested parties, to develop a model Family Language Access policy and procedure by June 1, 2015, if funds were appropriated. The Legislature did not provide funds for this task.

Limited-English Proficient Families. In 2014 the Legislature appropriated \$35,000 for the OEO to conduct a feasibility study for the development of a state foreign language education interpreter training program. The study was to include, among other things, an overview of the current need and availability of interpreters. The OEO's report included recommendations, including that school districts should be required to do the following:

- follow specific procedures for the timely and accurate identification of limited-English proficient families and their language access needs;
- adopt a Family Language Access policy that incorporates procedures for when and how to access an interpreter, and prohibits the use of students or children as interpreters for school-related communication;

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- utilize guidance materials created by the U.S. Department of Justice when assessing language access needs and developing appropriately tailored plans;
- train all school staff on how to access and utilize an interpreter; and
- have easy access to a telephone language line.

Language Access Service Providers. In 2014 the Legislature instructed the Office of Superintendent of Public Instruction (OSPI) and OEO to post information on their websites regarding the phone interpretation vendors on contract with the state of Washington, including how to contact the vendor. School districts were encouraged to use the phone interpretation services to communicate with students' parents, legal guardians, and family members who have limited-English proficiency.

Summary of Bill (Recommended Substitute): Model Policy. By July 1, 2016, the WSSDA, with OSPI, must develop a model policy and procedures for language access by limited-English proficient parents. Guidance materials created by the U.S. Department of Justice, the U.S. Department of Education, and OSPI must be considered in developing the model policy and procedures. Minimum requirements to be addressed in the policy and procedures include the following:

- guidance for the timely and accurate identification of limited-English proficient parents and their language access needs;
- when and how to access an interpreter;
- a prohibition on using students or children as interpreters for school-related communications;
- methods to ensure appropriate staff are aware of parents' need for language assistance; and
- how to provide information about parental rights under federal and state law.

The legislative direction from 2014 to WSSDA to develop a model language access policy and procedure, if funded, is repealed.

Sample Materials. OSPI must convene an advisory committee to develop sample materials for school districts to provide information to employees and parents regarding parents' rights under the model policy and procedures developed by WSSDA and resources available to help parents access available services. The membership of the advisory committee is specified. Development of the materials must be complete by July 1, 2016.

School District Policies. By January 1, 2017, each school district must adopt a language access policy and procedures that meet the specified minimum requirements of the model policy developed by WSSDA. By January 1, 2017, each school district must notify OSPI whether the district adopted the model policy, procedures, and sample materials, or something different. OSPI must maintain a list of school districts that have and have not adopted the model policy, which must be available upon request. If a district subsequently revises the district's policy then the district must notify OSPI and OSPI must update the list.

Language Access Service Providers and Training. OSPI must develop, post to its website, annually send to school districts, and annually update a list of the following:

- language access service providers, including phone interpretation vendors, that are available to school districts; and

- employee training programs on how to access and effectively use an interpreter.

School districts must annually make the lists available to school employees.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Requires WSSDA to consider guidance materials created by the federal Department of Education, and OSPI, in addition to the federal Department of Justice, when developing the model policy. Changes the timelines for the development of the model policy and the sample materials so that they are aligned for both to be complete by July 1, 2016. Provides the date of January 1, 2017, as the date when school districts must notify OSPI regarding whether the district adopted the model policy or something different. Removes the requirements for the school districts to summarize specific differences in the district policy from the model policy and report that information to OSPI. OSPI must create a list of districts that did not adopt the model policy in addition to the list of districts that did adopt the model policy. If a school district subsequently revises the district policy then the district must notify OSPI and OSPI must update the list accordingly. Removes the Office of the Ombuds from working with OSPI to develop a list of language access services providers and training programs.

Appropriation: None.

Fiscal Note: Requested on February 13, 2015.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This issue has come before the Legislature but we haven't done enough to ensure that our families who have members who are limited-English proficiency are empowered to participate in their child's education. The school system is difficult to navigate for English speakers but it is very daunting and intimidating for those parents who have limited English proficiency. Research consistently shows that if parents engage in their child's learning and school activities then the child has a greater chance of being successful.

The Department of Justice recently released letter guidance that indicates that the Office of Civil Rights will be enforcing the federal obligation to ensure that parents with limited English proficiency have meaningful access to district and school related information. Meaningful language access means trained, ethical, interpreters. There are so many languages in many of our school districts that bilingual teachers and paraeducators only partially fill this gap. Children should not be required to be the interpreter for their family members who have limited English proficiency. Depending on the message it can put these children in a difficult position.

We would like to suggest an amendment to address video remote interpretation for deaf students and their families since phone interpretation is not effective for them. We think that the development of the policy and the workgroup on sample materials should be on the same

timeline. It is important to note that it does cost the districts money when interpreters and translators are accessed.

Persons Testifying: PRO: Senator Jayapal, prime sponsor; Jim King, Gary Smith, InDemand Interpreting; Lucinda Young, WA Education Assn.; Dierk Meierbachtol, OSPI; Deb Merle, WSSDA; Therese Mirande, WA State Coalition for Language Access, Board Director; Nikki York, Dania Nunoz, citizens.