
HOUSE BILL 1451

State of Washington

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By Representatives Orwall, Johnson, Pollet, Ortiz-Self, Senn, Pettigrew, Reeves, Gregerson, Stonier, Ryu, Peterson, Appleton, Tarleton, Farrell, Fey, Ormsby, Goodman, Slatter, Pellicciotti, Hudgins, Doglio, Kagi, and Santos

Read first time 01/20/17. Referred to Committee on Education.

1 AN ACT Relating to improving language access for public school
2 students and families with limited English proficiency; adding new
3 sections to chapter 28A.630 RCW; adding a new section to chapter
4 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a
5 new section to chapter 41.05 RCW; creating a new section; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that:

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

12 (b) The number of foreign language speakers in Washington's
13 public schools has substantially increased over the last decade. The
14 office of the superintendent of public instruction reports that ten
15 percent of the state's total student population was enrolled in the
16 transitional bilingual instruction program as of May 2016, and more
17 than two hundred different languages are spoken in students' homes.
18 The office of the education ombuds reports that two hundred fifty of
19 the state's two hundred ninety-five school districts serve students
20 with non-English home languages and families with limited English
21 proficiency;

1 (c) Washington public schools' ability to effectively communicate
2 with students and families with limited English proficiency impacts
3 its ability to engage them effectively in the education process and
4 contributes to inequities and increased gaps in student achievement.
5 Providing meaningful language access must be a collaborative endeavor
6 in Washington's public schools, involving educators and support
7 staff, students and families, and local community stakeholders.
8 Community-based organizations have the capacity to work with schools
9 to engage students, families, and local community stakeholders in
10 conversations and decision making;

11 (d) Federal and state civil rights laws prohibit discrimination
12 based on national origin, and courts have held that failure to
13 provide meaningful access to a person with limited English
14 proficiency constitutes national origin discrimination; and

15 (e) Providing meaningful, equitable access to students and
16 families with limited English proficiency will not only help schools
17 meet their civil rights obligations, but will help schools meet the
18 state's basic education goals under RCW 28A.150.210.

19 (2) To improve language access for public school students and
20 families with limited English proficiency, the legislature intends
21 to:

22 (a) Create language access lighthouse collaboratives on each side
23 of the state that will develop best practices for providing language
24 assistance services, including identifying and building on
25 opportunities to leverage community-based resources and advances in
26 technology, to assist public schools in meeting their civil rights
27 obligations, and to facilitate effective communication between
28 educators and families with limited English proficiency; and

29 (b) Direct the superintendent of public instruction to develop
30 tools and resources that public schools can use to expand, in an
31 effective manner, the availability of quality interpretation and
32 translation services.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630
34 RCW to read as follows:

35 LANGUAGE ACCESS ADVISORY COMMITTEE. (1) By August 1, 2017, the
36 office of the superintendent of public instruction shall convene a
37 language access advisory committee to develop tools and
38 recommendations to improve language access for public school students
39 and families with limited English proficiency.

1 (2) The committee must include representatives of the language
2 access lighthouse collaboratives established in section 3 of this
3 act; students and families with limited English proficiency; up to
4 three demographically and geographically diverse school districts
5 that are not part of a lighthouse collaborative; educational service
6 districts that are not part of a lighthouse collaborative; community-
7 based organizations that facilitate family involvement in schools and
8 that focus on serving families of color; and experts in language
9 assistance services. The committee may choose a chair or cochairs
10 from among its members.

11 (3) The committee must hold meetings across the state,
12 particularly in communities where students and families with limited
13 English proficiency speak a variety of languages, in the cities where
14 community-based organizations with a mission to facilitate family
15 involvement in schools are located, and near the language access
16 lighthouse collaboratives selected under section 3 of this act.

17 (4) Staff support for the committee must be provided by the
18 office of the superintendent of public instruction.

19 (5) By October 1, 2017, the committee must:

20 (a) Develop a comprehensive language needs and language access
21 inventory for public schools that identifies what school, school
22 district, other educational service entities, and community systems
23 are in place to serve students' and families' language access needs;
24 which systems are working well; barriers to language access for
25 students and families with limited English proficiency; and whether
26 the school has a language access plan and procedures in place; and

27 (b) Submit the inventory to the superintendent of public
28 instruction for approval.

29 (6) In a timely manner, the committee must review and provide
30 feedback on any model curricula related to language access received
31 from the superintendent of public instruction. In reviewing the
32 curricula, the committee must include representatives from
33 educational service districts and higher education institutions.

34 (7) By November 1, 2019, the committee must complete the
35 following assignments, beginning with those that would most enhance
36 the work of the language access lighthouse collaboratives selected
37 under section 3 of this act:

38 (a) Explore the need for, and possible elements of, a language
39 testing and credentialing program within the office of the
40 superintendent of public instruction, including consulting with the

1 experts on existing language testing and credentialing programs. The
2 elements of the program may include: (i) Minimum standards or
3 requirements for a qualified interpreter, such as a defined level of
4 fluency and competency in the identified home language; demonstrated
5 knowledge of the role and ethics of interpreters, education
6 terminology, individualized education programs or plans developed
7 under section 504 of the rehabilitation act of 1973, interaction with
8 consumers and families; and demonstrated competency in interpreting
9 in-person and remotely; (ii) systems, policies, and procedures for
10 certifying educational interpreters, including fingerprinting; and
11 (iii) language proficiency tests of fluency and competency in the
12 identified home language;

13 (b) Explore technologies to facilitate access to interpretation
14 and translation services;

15 (c) Explore options for recruiting interpreters and for creating
16 shared pools of qualified interpreters;

17 (d) Explore streamlined and uniform options for disseminating, in
18 a timely manner, translated materials to students and families with
19 limited English proficiency;

20 (e) Identify best practices for reaching out, and providing
21 meaningful access, to students and families with limited English
22 proficiency, including identifying the role and responsibilities of a
23 family liaison;

24 (f) Facilitate communication between schools, school districts,
25 and educational service districts across the state on the topic of
26 language access for students and families with limited English
27 proficiency;

28 (g) Explore options for measuring access to, and effectiveness
29 of, language assistance services in schools; and

30 (h) Review and consider the report from the language access
31 lighthouse collaboratives selected under section 3 of this act.

32 (8) By August 1, 2018, and in compliance with RCW 43.01.036, the
33 advisory committee shall submit a preliminary report to the
34 superintendent of public instruction, the governor, and the
35 appropriate committees of the legislature that:

36 (a) Summarizes the committee's activities to date;

37 (b) Outlines the committee's plans for completing its required
38 assignments;

39 (c) Makes preliminary recommendations to the superintendent of
40 public instruction, the governor, and the appropriate committees of

1 the legislature to: (i) Enhance the work of the language access
2 lighthouse collaboratives selected under section 3 of this act; and
3 (ii) improve language access for public school students and families
4 with limited English proficiency.

5 (9) By November 1, 2019, and in compliance with RCW 43.01.036,
6 the advisory committee shall submit a final report to the
7 superintendent of public instruction, the governor, and the
8 appropriate committees of the legislature that:

9 (a) Summarizes the committee's activities; and

10 (b) Makes final recommendations to the superintendent of public
11 instruction, the governor, and the appropriate committees of the
12 legislature to improve language access for public school students and
13 families with limited English proficiency, including whether
14 interpreters should be certified, and an estimate of the cost of
15 improving the education system as recommended.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.630
17 RCW to read as follows:

18 LANGUAGE ACCESS LIGHTHOUSE COLLABORATIVES. (1)(a) By August 1,
19 2017, the superintendent of public instruction shall select two
20 educational service districts, one from east of the crest of the
21 Cascade mountains and one from west of the crest of the Cascade
22 mountains, that volunteer to act as language access lighthouse
23 collaboratives. A language access lighthouse collaborative means an
24 educational service district in collaboration with representatives of
25 following entities and groups within its service area: Students and
26 families with limited English proficiency; at least two school
27 districts; community-based organizations that facilitate family
28 involvement in schools and that focus on serving families of color;
29 and experts in language access services.

30 (b) The superintendent of public instruction must timely and
31 adequately notify all educational service districts and school
32 districts about the opportunity to become, and the requirements of, a
33 lighthouse collaborative under this section.

34 (c) The superintendent of public instruction must select
35 applicants that meet the following criteria:

36 (i) The percentage of students and families with limited English
37 proficiency in each applicant school district is higher than average;

38 (ii) Students and families in applicant school districts speak a
39 variety of languages;

1 (iii) The applicant has demonstrated its commitment to promoting
2 language access;

3 (iv) Community-based organizations are in partnership with the
4 school districts or educational service district;

5 (v) The applicant agrees to collaborate with the other lighthouse
6 collaborative and with the language access advisory committee
7 established in section 2 of this act; and

8 (vi) The applicant agrees to collaborate with the Washington
9 state health care authority and the office of the superintendent of
10 public instruction to implement a procedure for claiming federal
11 reimbursement for the costs of medicaid administrative activities
12 performed in the school setting.

13 (d) Staff of the office of the superintendent of public
14 instruction must attend quarterly meetings of the lighthouse
15 collaboratives to observe and participate in the local planning
16 efforts.

17 (2) Beginning January 1, 2018, the lighthouse collaboratives
18 selected under subsection (1) of this section must:

19 (a) Collaborate with the Washington state health care authority
20 and the office of the superintendent of public instruction to
21 implement a procedure for claiming federal reimbursement for the
22 costs of medicaid administrative activities performed in the school
23 setting;

24 (b) Administer the language needs and language access inventory
25 for public schools approved by the superintendent of public
26 instruction under section 4 of this act; and

27 (c) Consider recommendations from the language access advisory
28 committee established in section 2 of this act and implement a plan
29 to improve language access for students and families with limited
30 English proficiency, including a plan for sharing language assistance
31 resources across school districts, such as pooling interpreter
32 resources.

33 (3) By August 1, 2019, the lighthouse collaboratives selected
34 under subsection (1) of this section must report to the language
35 access advisory committee established in section 2 of this act and
36 the superintendent of public instruction on best practices for, and
37 lessons learned in, administering the language needs and language
38 access inventory, implementing a plan to improve language access for
39 students and families with limited English proficiency, and
40 implementing a procedure for claiming federal reimbursement for the

1 costs of medicaid administrative activities performed in the school
2 setting.

3 (4) Beginning September 1, 2019, the lighthouse collaboratives
4 must provide technical assistance to other public schools, school
5 districts, and educational service districts on improving language
6 access for public school students and families, considering
7 recommendations from the language access advisory committee
8 established in section 2 of this act.

9 (5) By August 1, 2020, the lighthouse collaboratives selected
10 under subsection (1) of this section must report to the
11 superintendent of public instruction with any additional best
12 practices for, and lessons learned in, implementing the
13 recommendations of the advisory committee, and acting as lighthouse
14 collaboratives.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300
16 RCW to read as follows:

17 DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) In order
18 to facilitate language access for public school students and families
19 with limited English proficiency, the superintendent of public
20 instruction has the duties described in this section.

21 (2) By November 1, 2017, the superintendent of public instruction
22 shall adopt, and publish on its web site, a comprehensive language
23 needs and language access inventory for public schools that
24 identifies what school, school district, other educational service
25 entities, and community systems are in place to serve students' and
26 families' language access needs; which systems are working well;
27 barriers to language access for students and families with limited
28 English proficiency; and whether the school, or school district if
29 applicable, has a language access plan and procedures in place.
30 Before adopting an inventory, the superintendent must consider the
31 comprehensive language needs and language access inventory for public
32 schools developed by the language access advisory committee
33 established in section 2 of this act. The superintendent must combine
34 this inventory with other inventories related to racial equity. The
35 superintendent shall solicit consumer feedback and periodically
36 revise the inventory based on this feedback.

37 (3)(a) By August 1, 2018, the superintendent of public
38 instruction shall develop, in collaboration with representatives from
39 the educational service districts and public and private higher

1 education institutions, the model curricula described in this
2 subsection, submit the curricula for comment to the language access
3 advisory committee established in section 2 of this act, and adopt
4 the curricula for use by public schools, school districts, and
5 educational service districts.

6 (b) The model curricula must include:

7 (i) A model curriculum for interpreters on interpreting in public
8 schools;

9 (ii) A model curriculum on language access that can be used to
10 train school and district staff on topics such as creating a
11 welcoming environment for students and families with limited English
12 proficiency, how to help students and families access information in
13 languages other than English, how to access interpreter and
14 translation services, how to use the services of an interpreter in
15 formal and informal discussions, language access requirements in
16 civil rights laws, and the importance of providing language access to
17 promote equity; and

18 (iii) A model curriculum on language access for families with
19 limited English proficiency that covers students' and families'
20 rights and responsibilities under federal and state civil rights laws
21 and how to access interpretation and translation services.

22 (4) Beginning December 1, 2019, the superintendent of public
23 instruction must:

24 (a) Consider the reports submitted by the language access
25 advisory committee established in section 2 of this act and the
26 language access lighthouse collaboratives selected under section 3 of
27 this act;

28 (b) Develop, and periodically update, a state language access
29 plan;

30 (c) As needed, develop and implement a language testing and
31 credentialing program;

32 (d) Develop technologies to facilitate access to interpretation
33 and translation services, including scheduling systems;

34 (e) Identify best practices for public schools and school
35 districts for:

36 (i) Recruiting interpreters and for creating shared pools of
37 qualified interpreters;

38 (ii) Disseminating, in a timely manner, translated materials to
39 students and families with limited English proficiency; and

1 (iii) Reaching out, and providing meaningful access, to students
2 and families with limited English proficiency, including using family
3 liaisons;

4 (f) Require collection of data measuring access to, and
5 effectiveness of, language assistance services in schools;

6 (g) Provide language access technical assistance, including use
7 of technology, data collection, and interpreter training and
8 recruitment; and

9 (h) Encourage public schools to use the services of qualified
10 interpreters, and to implement the model curricula and best practices
11 identified under this section.

12 (5) On a biennial basis, beginning November 1, 2021, and November
13 1st of each odd-numbered year ending with November 1, 2025, and in
14 compliance with RCW 43.01.036, the office of the superintendent of
15 public instruction shall submit a report to the governor and the
16 appropriate committees of the legislature on the statewide
17 implementation of the requirements in this section, lessons learned,
18 and adjustments planned; and make recommendations to the governor and
19 the legislature on ways to continue to improve language access for
20 public school students and families with limited English proficiency.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.310
22 RCW to read as follows:

23 DUTIES OF EDUCATIONAL SERVICE DISTRICTS. (1) Beginning August 1,
24 2018, educational service districts shall maintain the capacity to
25 offer language access trainings using the model curricula adopted by
26 the superintendent of public instruction under section 4 of this act.
27 An educational service district may demonstrate capacity by employing
28 staff with sufficient expertise to offer the training or by
29 contracting with individuals or organizations to offer the training.
30 Training may be offered on a fee-for-service basis, or at no cost to
31 school districts or educators if funds are appropriated specifically
32 for this purpose or made available through grants or other sources.

33 (2) Beginning December 1, 2019, each educational service district
34 must develop, and periodically update, a language access plan.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 41.05
36 RCW to read as follows:

37 DUTIES OF THE WASHINGTON STATE HEALTH CARE AUTHORITY. The
38 authority shall collaborate with the office of the superintendent of

1 public instruction and interested schools, school districts, and
2 educational service districts to implement procedures to claim
3 federal reimbursement for the costs of medicaid administrative
4 activities, including interpreter-related services, performed in the
5 school setting.

6 NEW SECTION. **Sec. 7.** EXPIRATION DATES. Sections 2, 3, and 6 of
7 this act expire July 1, 2021.

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