
Education Committee

HB 1153

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 Summary of 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.
- 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 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 standards, training, testing, and credentialing for spoken and sign language interpreters for students' families.

Hearing Date: 1/26/21

Staff: Megan Wargacki (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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 recommendation 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 system, 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 or plan developed under section 504 of the rehabilitation act of 1973 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 also 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 Bill:

In general, the activities described below must align with the recommendations in the October 2020 Report 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. 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 Procedures. 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, and the federally recognized Indian tribes located in Washington must be consulted. 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 individualized education program or plan developed under section 504 of the rehabilitation act of 1973 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. 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 the school district's

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 the school district 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 standards, training, testing, and credentialing for spoken and sign language interpreters for students' families.

With regard to standards, the work group must consider recommendations related to standards of ethics, cultural competence, and practice that qualify interpreters to provide spoken or sign language interpretation for students' families.

With regard to a program for training, testing, and credentialing interpreters for students' families, the work group must, at a minimum, consider itemized 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; and (3) whether any aspects of the program should be different for dual language paraeducators versus professionally licensed 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.

The work group must consult with the federally recognized Indian tribes located in Washington. 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.

Appropriation: None.

Fiscal Note: Requested on January 19, 2021.

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