

FINAL BILL REPORT

E2SHB 1153

PARTIAL VETO C 107 L 22 Synopsis as Enacted

Brief Description: Addressing language access in public schools.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, Johnson, J., Simmons and Valdez).

House Committee on Education

House Committee on Appropriations

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

Background:

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 are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

Federal and state civil rights laws prohibit discrimination based on national origin, and for other reasons, including 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.

Language Access Work Group and Reports. In 2019 the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) and the Office of the Education Ombuds to jointly convene a Language Access Work Group (work group). The stated purpose of the work group was to improve meaningful, equitable access for public school students and their family members who have language access barriers.

The work group submitted a report of its findings and recommendations to the Legislature

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.

in October 2020. The report provided recommendations to the OSPI, the Washington State School Directors' Association, 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 systems; and data collection.

In 2021 the Legislature reconvened and expanded the work group in order to make recommendations on standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools. The work group's 2021 report provided recommendations to the OSPI, the Professional Educator Standards Board, the Legislature, and others on 12 topics that include the required topics, as well as a recommendation for an ongoing language access advisory committee.

Qualified Interpreter. School districts must document the language in which families of special education students prefer to communicate and whether a qualified interpreter for the 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, or 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.

Summary:

Principles of an Effective Language Access Program. Four principles are adopted as the principles of an effective language access program for culturally responsive, systemic family engagement: accessibility and equity; accountability and transparency; responsive culture; and focus on relationships. Additional descriptions of each principle are provided.

In general, the activities described below must take into consideration the recommendations in the 2020 and 2021 reports of the Language Access Work Group and adhere to the adopted principles of an effective language access program.

Technical Assistance Program. The Center for the Improvement of Student Learning, within the Office of the Superintendent of Public Instruction (OSPI), must implement a Language Access Technical Assistance Program (TA Program) that includes seven activities that are subject to state funding. 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 resources such as a self-assessment for evaluating the provision of language access services, a guide for the development and evaluation of a language access plan and policy, and best practices for interpretation and translation; and (3) analyze and publish language access information submitted by school districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth (CDHY).

Model Policy and Procedure. By August 1, 2022, and periodically thereafter, the Washington State School Directors' Association (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. Among other requirements, the model policy and procedure must include procedures for an annual review of spending on and the need for language access services. When updating the model policy and procedures, the WSSDA must perform a racial equity impact analysis that involves the community. The model policy and procedures must be maintained on the WSSDA and the OSPI websites.

Information Collection and Submission. School districts, charter schools, the state School for the Blind, and the CDHY must annually collect 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 for the student's family was requested for and provided at specified school meetings. The statutory definition of "qualified interpreter" applies until the OSPI and the Professional Educator Standards Board (PESB) establish a different definition in rule.

Beginning with the 2023-24 school year, participants in each interpreted meeting must have the opportunity to provide feedback on the effectiveness of the interpretation and the provision of language access services.

Language Access Policy, Programs, Liaison, and Coordinator. Unless it has fewer than 1,000 enrolled students and less than 10 percent English learners, a school district, a charter school, the state School for the Blind, and the CDHY must:

- designate a language access liaison, who may be the language access coordinator, to facilitate compliance with state and federal laws related to family engagement;
- adopt, by October 1, 2022, a language access policy and procedures that incorporates the model policy and procedures; and
- implement, beginning with the 2023-24 school year, a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires completion of six specified activities, for example: (1) adopt a language access plan; (2) use of the self-assessment and the guide that are part of the toolkit published by the TA Program; (3) collaborate with community-based organizations on how to work effectively with spoken language and sign language interpreters working in public schools to interpret for students' families, students, and communities in educational settings outside the classroom; and (4) publish language access information that includes notice to families about their right to free language access services and the contact information for any language access coordinator and any school points of contact for language access services.

Beginning with the 2023-24 school year, school districts, charter schools, the state School for the Blind, and the CDHY, with at least 50 percent English learner enrollment or greater than 75 languages used by students or families, must either have a full-time language access

coordinator or annually report to the OSPI the total number of hours staff spent performing the language access coordinator duties and other information. 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.

Credentialing Requirements for Interpreters. The OSPI and the PESB must collaborate to establish credentialing requirements for spoken language and sign language interpreters working in public schools to interpret for students' families, students, and communities in educational settings outside the classroom. Credentialing requirements for these interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the structure and significance of the interaction between school staff and the student's family. Any activities provided by the OSPI or the PESB that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters. Once a Code of Professional Conduct for Interpreters (code) is established, the Superintendent of Public Instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

Advisory Committee. The OSPI must establish the Language Access Advisory Committee (Advisory Committee) to guide and monitor the implementation of the act and to recommend changes to requirements, policies, and procedures related to language access and language access services for students' families, students, and communities in educational settings outside the classroom. At a minimum, the Advisory Committee must guide, monitor, and make recommendations on nine topics, for example: (1) family and community engagement; (2) supply of and demand for interpreters; and (3) training and credentialing of interpreters.

The members of the Advisory Committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts. Subject to available funding and as determined by the OSPI, members who do not receive compensation from their employer or contractor for meeting attendance are eligible for a stipend.

Staff support for the Advisory Committee must be provided by the TA Program and the PESB. The Advisory Committee must collaborate with specified entities including the state Office of Equity and the Educational Opportunity Gap Oversight and Accountability Committee.

By November 1, 2024, and periodically thereafter, the Advisory Committee must submit a report on the implementation of the act to the OSPI, the PESB, the Governor, and the Legislature.

Votes on Final Passage:

House	83	13	
Senate	43	5	(Senate amended)
House	86	12	(House concurred)

Effective: June 9, 2022

Partial Veto Summary: The Governor vetoed the section that makes the act null and void unless funded in the omnibus appropriations act.