

HOUSE BILL REPORT

E2SHB 1153

As Amended by the Senate

Title: An act relating to language access in public schools.

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).

Brief History:

Committee Activity:

Education: 1/26/21, 2/12/21 [DPS];

Appropriations: 1/24/22, 1/27/22 [DP2S].

Floor Activity:

Passed House: 2/8/22, 83-13.

Senate Amended.

Passed Senate: 3/2/22, 43-5.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to implement a Language Access Technical Assistance Program that includes specified activities, which are subject to state funding.
- Requires school districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth to: (1) collect data on language access and language access 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 a language access program for culturally responsive, systemic family engagement.

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.

- Directs the OSPI and the Professional Educator Standards Board (PESB) to collaborate to establish credentialing requirements for spoken and sign language interpreters working in public schools to interpret for students' families, students, and communities in educational settings outside the classroom.
- Directs the OSPI to establish the Language Access Advisory Committee to guide and monitor the implementation of this act and to report to the Legislature, the Governor, the OSPI, and the PESB on the implementation of the act.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Berg, Bergquist, Callan, Ortiz-Self, Rude, Steele and Stonier.

Minority Report: Without recommendation. Signed by 3 members: Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 24 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Fitzgibbon, Frame, Hansen, Harris, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 3 members: Representatives Stokesbary, Ranking Minority Member; Dye and Schmick.

Minority Report: Without recommendation. Signed by 3 members: Representatives Chambers, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Jacobsen.

Staff: Jordan Clarke (786-7123).

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 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.

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 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 recommendations to the Legislature in October 2020. The 2020 report provides 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 directed that the work group be reconvened and expanded 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. As directed, the work group submitted a report to the Legislature in December 2021. The 2021 report provides 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. 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.

Summary of Engrossed Second Substitute Bill:

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.

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 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.

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 things, the model policy and procedure must include procedures for 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 Center for Deaf and Hard of Hearing Youth 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. Feedback from participants in each interpreted meeting on the effectiveness of the interpretation and the provision of language access services must be collected, summarized, and made publicly accessible.

Language Access Programs. Beginning with the 2022-23 school year, each school district, each charter school, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth must implement 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) adoption of a language access plan, policy, and procedures; (2) use of the self-assessment and the guide that are part of the toolkit published by the TA Program; and (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.

School districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth must annually publish information about their language access plan, policy and procedures, and language access services. The information must include 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. The information must be translated into common languages understood by students' families.

Liaisons and Coordinators. School districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth 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.

School districts and charter schools, as well as the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth, 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 district 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. State-controlled activities necessary 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 this 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 this act to the OSPI, the PESB, the Governor, and the Legislature.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment requires adoption of a language access policy and procedures by October 1, 2022, rather than beginning with the 2022-23 school year. The Senate amendment also delays, from the 2022-23 school year to the 2023-24 school year, requirements to: (1) implement a language access program with specified components; (2) and either have a language access coordinator or report the number of hours spent on performance of language access coordinator duties, under certain conditions.

The Senate amendment exempts entities with fewer than 1,000 enrolled students and less than 10 percent English learner enrollment from the following requirements: (1) designation of a language access liaison; (2) adoption of a language access policy and procedures; and (3) implementation of a language access program.

Additionally, the Senate amendment specifies that any activities provided by the Office of the Superintendent of Public Instruction or the Professional Educator Standards Board that are required to meet credentialing requirements (rather than state-controlled activities necessary to meet credentialing requirements) must be made available at no cost to people who want to be interpreters. Finally, the Senate amendment requires that, beginning in the 2023-24 school year, participants in each interpreted meeting be provided the opportunity to provide feedback on the effectiveness of the interpretation and the provision of language access services (rather than requiring that this feedback to be collected at every interpreted meeting and then made publicly accessible twice per year).

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Education):

(In support) Schools must be designed, and staff trained, to welcome and engage all families in the school system, including families who need spoken or sign language interpretation and translation. The skills of these families should be honored and embraced.

Language access is a civil rights issue that disproportionately impacts families and communities who have limited English proficiency, and who are deaf, blind, or need other communication assistance. This bill will allow the state to provide needed technical assistance to school districts.

The contents of the bill honor the work of the Language Access Work Group. Open Doors was a leader in the conception of the bill and throughout the process. Tribal leaders were consulted and they request that more work be done in the interim to address tribal languages.

All families should have the equal ability to engage with schools as partners in their students' education. Families need to be able to understand communications coming from the school district to support their children. Thousands of parents are disenfranchised because of language barriers. Since the beginning of the school closures last March, lack of language access has further left behind refugee and immigrant families.

Parents with language access barriers often have difficulties communicating with school staff. These parents want to engage, and their children try to help by translating. Interpretation is hard and stressful for students. Rather than interpreting for their family members, these students should be fully engaged in their education, supported by their family members. This requires that their families understand and are included in conversations about their education, which is more accessible with interpretation services.

Teachers are overwhelmed with their responsibility to engage students who do not speak English, but there are very few interpreters in the classrooms. If there were interpreters in the schools, it would help multilingual students thrive. Interpreters should have integrity and standards to help them engage with students and their families who have language access barriers. Education quality is directly proportional to the resources invested in students.

Some school staff do not communicate with parents who have language access barriers.

Some schools do not provide interpreters for sports for students who are deaf, which affects students' athletic activities. An interpreter coordinator will decrease misunderstandings and screen the quality of interpreters for the classroom and sports activities.

It is important to have an advisory committee of students and their families to give advice on language assistance. These are the people who have been affected by language access issues and they have the solutions. A family and community advisory board will give families a platform to give recommendations on how to better their children's education through language access.

There is no greater need than to eliminate language barriers for children and their parents, especially in the school system. There have been advances in the legal and healthcare sectors, but the school system needs to be changed in a systematic way, including trainings and changing mindsets. The state can lead nationally in welcoming and being an inclusive state for everyone who resides here.

(Opposed) None.

(Other) This bill will move the state from intent to action in supporting districts in regularly meeting the language access needs of their families and schools. The bill will help districts be ready to proactively meet their existing civil rights obligations in an effective and cost-efficient manner. The state technical assistance program will help ensure that all types and sizes of districts have access to support in identifying and meeting the particular language access needs of their communities. It will also facilitate resource sharing, as tools to continue to support language access will evolve, including for virtual spaces. The continuation of the work group is essential because the state needs to make sure that districts have the ability to retain and recruit qualified interpreters. It is time to begin a new model practice around language access, which is to require that model policies and procedures be made available in Spanish and English.

Staff Summary of Public Testimony (Appropriations):

(In support) The implementation for House Bill 1153 will not have the impact our families need unless there is sufficient funding provided in the budget. Some districts have over 180 languages spoken in their students' homes. To connect with, support, and learn from student families, some parent teacher student associations budget funding for interpretation services for meetings in the current school year. Research shows that family engagement is a top predictor of student success, and issues around language equity can be insurmountable barriers to family engagement. Seattle Public Schools notes that the district will need three additional staff in order to implement this bill. Please consider funding a language access coordinator in every school building to support districts and families across the state.

The failure of schools to communicate with parents in all languages prevents them from accessing their child's education, which impacts a child's future and performance in school.

Information is power, and as the state education system stands, too many public school guardians are being left in the dark and cannot authentically engage in their children's schooling. Language access coordinators keep children safe by keeping parents aware of what is happening to their children at school. Having a coordinator would give parents confidence when dealing with their children's schools and school staff and help parents understand school decisions. It is an important factor to have interpreters because everyone needs ways to communicate, especially in schools.

This bill is not about putting interpreters in the classroom. It is about serving parents. Parents are having to stop speaking their native language at home in order for their children to remain academically competitive with their English-speaking peers, and this prevents parents from engaging with their children's education. This further leads to children falling behind in school, impacting their academic and socioeconomic futures and widening the opportunity gap for students. This bill would help provide language access to all families and reduce the opportunity gap among students.

There are diverse and Indigenous families who may not know how to read or communicate well in English. Language interpretation is not one-size fits all and depends on the issue area. This bill is about training and credentials of interpreters in education and creates an advisory committee of stakeholders for proper implementation. Interpreters are mostly women and immigrants who were hit hard by the pandemic. Interpreters are back working in clinics, but it is not the same and interpreters across the state have lost many colleagues. This bill would expand job opportunities for interpreters and would create a special credential at no cost to incentivize more people to join the profession.

It is imperative for staff in schools, such as school nurses, to build trust with students and their families. Staff must honor families' dignity and have regard for their personhood, and ensuring language access is an easy step to achieving this. Building community is very important for families, and having translators and interpreters in all school settings—not just classrooms—is really important to making the community come together and understand each other better.

The pandemic revealed the troubles that non-English speaking families have when their children needed academic and emotional support in school. Children fall through the cracks if the language barrier is too much to overcome for families already struggling in the pandemic. These experiences are not acceptable in Washington, and this bill would help multicultural families remain active in their children's education. If children have developmental delays, it can be incredibly difficult for parents to understand the development of their child's Individualized Education Plan (IEP). Language access is critical for thousands of multicultural families that educators serve, and it is especially needed in IEP meetings with parents and students with disabilities. The IEP language is intimidating for both English and non-English speakers, and families are desperate to understand IEP contracts to help guide their children in the school year. Having a trained interpreter to help translate this difficult language will help families take full advantage of

educational opportunities for their children in school.

(Opposed) None.

Persons Testifying (Education): (In support) Representative Orwall, prime sponsor; Brian Stromberg; Moses Perez, Open Doors for Multicultural Families; Heather Rees, Office of the Superintendent of Public Instruction; Kaitie Dong, OneAmerica; Rukia Adan and Ilene Lagraba, OneAmerica Youth Council; and Manuela Slye, Seattle Council PTSA.

(Other) Rose Spidell, Washington State Office of the Education Ombuds.

Persons Testifying (Appropriations): Aida Sanchez-Vela, Washington Federation of State Employees-Interpreters United; Moses Perez and Waiyan Lee, Open Doors for Multicultural Families; Samantha Fogg and Manuela Slye, Seattle Council Parent Teacher Student Association; Ayan Elmi; Ohara Jimenez; Jesse JudahBram, OneAmerica; HuiLing Yang and Pamela Altman, Seattle Public Schools; Brigida Ignacio; Deiman Abdi, Washington Multicultural Services Link; and Gloria Ramirez.

Persons Signed In To Testify But Not Testifying (Education): Joy Sebe, Sunny Gao, and Wai Yan Lee, Open Doors for Multicultural Families; Lucinda Young, Washington Education Association; and Laurie Weidner, Professional Educator Standards Board.

Persons Signed In To Testify But Not Testifying (Appropriations): None.