
HOUSE BILL 1153

State of Washington

67th Legislature

2021 Regular Session

By Representatives Orwall and Gregerson

1 AN ACT Relating to language access in public schools; adding a
2 new section to chapter 28A.605 RCW; adding a new section to chapter
3 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new
4 section to chapter 28A.710 RCW; adding a new section to chapter
5 28A.345 RCW; adding a new section to chapter 28A.630 RCW; creating a
6 new section; repealing RCW 28A.155.230; and providing an expiration
7 date.

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

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

10 (a) It is the policy of the state to welcome and encourage the
11 presence of diverse cultures and the use of diverse languages and
12 modalities of communication in business, government, and private
13 affairs in this state.

14 (b) According to a report from the United States department of
15 education, 50 years of research has shown that family engagement has
16 beneficial impacts on student grades, test scores, lower drop-out
17 rates, and students' sense of competence and beliefs about the
18 importance of education. Washington public schools' ability to
19 effectively communicate with students and their family members who
20 have language access barriers plays a vital role in reducing
21 educational opportunity gaps.

1 (c) The national center for education statistics estimates that
2 27.9 percent of the parents of Washington public school students
3 speak a language other than English. Failure to provide language
4 access hinders communication between schools and families, which
5 leads to long-term economic costs when a substantial fraction of the
6 students in Washington are not able to realize their full potential.

7 (d) Effective communication is not taking place for a variety of
8 reasons, including: (i) Some school districts do not consistently
9 assess the language needs of their communities or consistently
10 evaluate the effectiveness of their language access services; (ii)
11 resources, including time and money, are often not prioritized to
12 engage families with language access barriers; and even when language
13 access is a priority, some districts do not know the best practices
14 for engaging families with language access barriers; (iii) school
15 staff are often not trained on how to engage families with language
16 access barriers, how to engage and use interpreters in educational
17 settings outside the classroom, or when to provide translated
18 documents; and (iv) there are not enough interpreters qualified to
19 work in educational settings.

20 (e) Providing meaningful, equitable language access to students
21 and their family members who have language access barriers is not
22 only a civil right, but will help students meet the state's basic
23 education goals under RCW 28A.150.210 resulting in a decrease in the
24 educational opportunity gap between learners with language access
25 barriers and other students, because student outcomes improve when
26 families are engaged in their student's education.

27 (2) Therefore, the legislature intends to require public schools
28 to implement a language access program for culturally responsive,
29 systemic family engagement developed through meaningful stakeholder
30 engagement. The legislature intends to provide training, tools, and
31 other technical assistance to public schools to support the
32 development, implementation, and evaluation of their language access
33 programs. In addition, the legislature intends to direct a work group
34 with diverse members to provide recommendations on standards,
35 training, testing, and credentialing for spoken and sign language
36 interpreters for students' families.

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.605
38 RCW to read as follows:

1 The principles of an effective language access program for
2 culturally responsive, systemic family engagement are as follows:

3 (1) Accessibility and equity. Schools provide access to all; two-
4 way communication is a priority and is woven into the design of all
5 programs and services;

6 (2) Accountability and transparency. The language access program
7 and decision-making processes at all levels are: Open, accessible,
8 and useable to families; proactive, not reactive; continuously
9 improved based on ongoing feedback from families and staff; and
10 regulated by a clear and just complaint process;

11 (3) Responsive culture. Schools are safe, compassionate places
12 where each family's opinions are heard, needs are met, and
13 contributions are valued. School staff are humble and empathetic
14 towards families; and

15 (4) Focus on relationships. Schools seek to relate to families on
16 an individual level, building trust through respectful relationships
17 that recognize the unique strengths that each family and student
18 possesses.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300
20 RCW to read as follows:

21 (1) The office of the superintendent of public instruction must
22 establish and implement a language access technical assistance
23 program that meets the requirements of this section.

24 (2) The language access technical assistance program must:

25 (a) Adhere to the principles of an effective language access
26 program for culturally responsive, systemic family engagement
27 described in section 2 of this act;

28 (b) Provide training and technical assistance to support the
29 implementation of language access programs for culturally responsive,
30 systemic family engagement required under sections 4 and 6 of this
31 act;

32 (c) Develop, periodically update, and publish a language access
33 toolkit that includes the following resources:

34 (i) A self-assessment for evaluating the provision of language
35 assistance services;

36 (ii) A guide for the development, implementation, and evaluation
37 of a language access policy, procedure, and plan that meets the
38 specific needs of families and the community;

(iii) Best practices for using dual role staff as interpreters, for using contract interpreters, for using remote interpretation, and for translating documents;

(iv) Model information for families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly spoken by students and their families; and

(v) Sample job description of school district language access coordinators and school points of contact for language assistance services;

(d) Develop, periodically update, and publish bilingual glossaries of education terminology; and

(e) Analyze and publish language access and language assistance service information submitted as required under section 5 of this act. To the extent possible, the published information must be disaggregated by race, ethnicity, language, school district and school, type of meeting, and other demographics or categories.

(3) The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2022-23 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(1) Administer the self-assessment for evaluating the provision of language assistance services, which is part of the toolkit described in section 3 of this act;

(2) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 3 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

1 (3) Adopt a language access policy and procedures that adheres to
2 the principles of an effective language access program for culturally
3 responsive, systemic family engagement described in section 2 of this
4 act, and incorporates the model policy and procedures described in
5 section 7 of this act;

6 (4)(a) Except as required under (b) of this subsection (4),
7 school districts are encouraged to have a language access coordinator
8 with the duties described in (c) of this subsection (4);

9 (b) School districts with at least 50 percent English learner
10 enrollment or greater than 75 languages spoken by students or
11 families must either: (i) Have a full-time language access
12 coordinator with the duties described in (c) of this subsection (4);
13 or (ii) annually report to the office of the superintendent of public
14 instruction the total number of hours district staff spent performing
15 the language access coordinator duties described in (c) of this
16 subsection (4) and other information as required by the office of the
17 superintendent of public instruction;

18 (c) The duties of the school district language access coordinator
19 are to: (i) Serve as the primary contact for families, community
20 members, school district staff responsible for monitoring compliance
21 with chapter 28A.642 RCW, the office of the superintendent of public
22 instruction, and the office of the education ombuds on issues related
23 to language access needs and language assistance services; (ii)
24 collaborate with any school points of contact for language assistance
25 services; (iii) receive training and technical assistance provided
26 under section 3 of this act; and (iv) deliver language assistance
27 training and support to school district staff; and

28 (5) Review, update, and publish, at least annually, information
29 about the school district's language access policy and language
30 assistance services. The information must include notice to families
31 about their right to free language assistance services and the
32 contact information for the school district language access
33 coordinator and any school points of contact for language assistance
34 services. The information must be translated into common languages
35 understood by students' families.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.320
37 RCW to read as follows:

38 (1) School districts must annually collect the following
39 information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Feedback from participants in each interpreted meeting on the effectiveness of the interpreter;

(c) Whether a qualified interpreter for the student's family was requested for and 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. For the purpose of this subsection (1)(c), "qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary; and

(d) Other data on provision of language assistance services.

(2) The information collected under subsection (1)(a) and (c) of this section must be submitted at the time and in the manner required by the office of the superintendent of public instruction.

(3) The office of the superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.710 RCW to read as follows:

Sections 4 and 5 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) By February 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community, and the federally recognized Indian tribes located within the geographical boundaries of the state of Washington must be consulted.

(b) The elements of the model policy and procedures must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The office of the superintendent of public instruction and the office of the education ombuds must jointly reconvene an expanded version of the work group established in section 2, chapter 256, Laws of 2019 for the purpose of developing recommendations related to standards, training, testing, and credentialing for spoken and sign language interpreters for students' families.

(2) In developing recommendations, the work group must review the following resources:

(a) The October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019;

(b) National and other state standards for spoken and sign language interpretation; and

(c) Available training, testing, and credentialing programs for interpreters who provide interpretation for students' families.

(3) With regard to standards, the work group must consider recommendations related to standards of ethics, cultural competence as defined in RCW 28A.410.270, and practice that qualify interpreters to provide spoken or sign language interpretation for students' families.

(4) With regard to a program for training, testing, and credentialing interpreters for students' families, the work group must, at a minimum, consider the following questions:

(a) Whether the credential should be a certificate of completion, a professional license, or another type of credential;

(b) Whether there should be ongoing training or testing requirements associated with the credential;

(c) Whether training and testing should be offered through online modules, in-person, as part of a community and technical college program, through educational service districts, or a combination of these methods;

(d) Whether training and testing should be standardized and uniform across providers;

1 (e) Whether any aspects of the program should be different for
2 dual language paraeducators versus professionally licensed
3 interpreters; and

4 (f) Whether completion of any aspect of the program should be
5 incentivized or required.

6 (5) The office of the superintendent of public instruction and
7 the office of the education ombuds must select up to 35 work group
8 members who:

9 (a) Are geographically diverse;

10 (b) Represent the following groups: The educational opportunity
11 gap oversight and accountability committee; the state school for the
12 blind; the childhood center for deafness and hearing loss; the
13 special education advisory council at the office of the
14 superintendent of public instruction; the Puget Sound educational
15 service district's family and community engagement program; the
16 association of educational service districts; school board directors
17 as selected by the Washington state school directors' association;
18 teachers as selected by a state association of teachers;
19 paraeducators as selected by a state association of paraeducators;
20 principals as selected by a state association of principals; school
21 administrators selected by a state association of school
22 administrators; parents with language access barriers selected by a
23 state association of parents; the Washington state commissions on
24 African American affairs, Asian Pacific American affairs, and
25 Hispanic affairs; the governor's office of Indian affairs; the tribal
26 leaders congress on education; interpreters working in education
27 settings; the department of social and health services language
28 testing and certification program; the administrative office of the
29 courts' interpreter program; interpreter unions; an interpreter
30 training program as selected by the state board for community and
31 technical colleges; the professional educator standards board; the
32 office of equity established under chapter 43.06D RCW; families with
33 language access barriers; and community-based organizations
34 supporting families with language access barriers; and

35 (c) To the extent possible, have language access barriers, or
36 manage or provide language assistance services.

37 (6) The work group must consult with the federally recognized
38 Indian tribes located within the geographical boundaries of the state
39 of Washington.

1 (7) The office of the superintendent of public instruction and
2 the office of the education ombuds must provide staff support to the
3 work group.

4 (8) The work group may form subcommittees and consult with
5 necessary experts.

6 (9) By December 1, 2021, and in compliance with RCW 43.01.036,
7 the work group must report its findings and recommendations to the
8 appropriate committees of the legislature.

9 (10) This section expires June 30, 2022.

10 NEW SECTION. **Sec. 9.** RCW 28A.155.230 (Student language) and
11 2019 c 256 s 3 are each repealed.

--- END ---