
HOUSE BILL 1130

State of Washington

66th Legislature

2019 Regular Session

By Representatives Orwall and McCaslin

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1 AN ACT Relating to language access in public schools; adding new
2 sections to chapter 28A.300 RCW; adding new sections to chapter
3 28A.320 RCW; adding a new section to chapter 28A.155 RCW; creating
4 new sections; providing an effective date; and providing expiration
5 dates.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

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

11 (2) The number of world language speakers in Washington's public
12 schools has substantially increased over the last decade. The office
13 of the superintendent of public instruction reports that 11.5 percent
14 of the state's public school students were English learners as of May
15 2018, and more than two hundred different languages are spoken in
16 students' homes. The office of the education ombuds reports that two
17 hundred fifty of the state's two hundred ninety-five school districts
18 serve students with non-English home languages and families with
19 limited English proficiency;

20 (3) Federal and state civil rights laws prohibit discrimination
21 based on national origin, and courts have held that the failure to

1 provide meaningful access to a person with limited proficiency
2 constitutes national origin discrimination;

3 (4) Washington public schools' ability to effectively communicate
4 with students and families with limited English proficiency impacts
5 the schools' ability to engage students and families effectively in
6 the education process and contributes to inequalities and increased
7 gaps in student achievement;

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

20 (6) Providing meaningful, equitable access to students and
21 families with limited English proficiency will not only help schools
22 meet their civil rights obligations, but will help students meet the
23 state's basic education goals under RCW 28A.150.210 resulting in a
24 decrease in the educational opportunity gap between English learners
25 and other students, because student outcomes improve when families
26 are engaged in the student's education.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
28 RCW to read as follows:

29 (1) In order to help public schools meet their civil rights
30 obligations related to providing meaningful access to persons with
31 limited English proficiency, the office of the superintendent of
32 public instruction shall implement a technical assistance program for
33 language access. The technical assistance program must:

34 (a) Identify and disseminate best practices for providing
35 language access services that emphasize systemic family engagement
36 strategies for linguistically and culturally diverse families as a
37 foundational step toward addressing language access challenges;

1 (b) Offer technical assistance related to language access plan
2 development and implementation, language service planning and budget
3 development, and language access data collection and analysis;

4 (c) Develop and disseminate a tool kit to help public schools:
5 (i) Assess the language needs of their communities; and (ii) develop,
6 implement, and evaluate their language access plans and language
7 services;

8 (d) Publish educational terminology glossaries in non-English
9 languages commonly spoken by students' families who are limited
10 English proficient; and

11 (e) By June 1, 2020, develop, and make available on the office of
12 the superintendent of public instruction's web site, a language
13 access training program for staff that describes: (i) The components
14 of the language access plan; (ii) how to engage families with limited
15 English proficiency; (iii) how to access and use interpreters; (iv)
16 when to provide translated documents or information in other formats;
17 (v) best practices for implementing systemic family engagement
18 strategies; and (vi) how to use the tool kit and technical assistance
19 program described under this section. The language access training
20 program must be designed to be implemented in conjunction with school
21 district-provided information sessions for families with limited
22 English proficiency on how to meaningfully engage with their
23 students' schools.

24 (2) Beginning in the 2022-23 school year, the office of the
25 superintendent of public instruction shall monitor language access
26 plan implementation at least every five years to determine whether
27 public schools are providing meaningful access to persons with
28 limited English proficiency.

29 (3) In developing the technical assistance and monitoring
30 programs described in this section, the office of the superintendent
31 of public instruction shall consult with representatives of the
32 office of the education ombuds, the office of the superintendent of
33 public instruction's center for the improvement of student learning
34 and equity and civil rights office, the educational opportunity gap
35 oversight and accountability committee, interpreters working in
36 education settings, interpreter organizations, language access
37 experts, community-based organizations supporting families with
38 limited English proficiency, families with limited English
39 proficiency, an educational service district with expertise in
40 training interpreters, school districts, and rural communities. The

1 office of the superintendent of public instruction must also consult
2 with these representatives regarding the development of a
3 prioritization strategy for the programs and the selection of metrics
4 to identify schools and districts with the greatest need for
5 assistance or monitoring.

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

8 (1) By November 20, 2026, and in compliance with RCW 43.01.036,
9 the office of the superintendent of public instruction must report to
10 the appropriate committees of the legislature with a summary of the
11 activities of the technical assistance and monitoring programs
12 described under section 2 of this act and recommendations that
13 support the demonstrated language access needs of families with
14 limited English proficiency. In preparing these recommendations, the
15 office of the superintendent of public instruction must analyze the
16 data collected under section 6 of this act.

17 (2) This section expires August 1, 2027.

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

20 (1) School districts must supplement the language access training
21 program developed under section 2 of this act with district-specific
22 policies, procedures, and other information.

23 (2) Staff in the following categories must complete the language
24 access training program described in subsection (1) of this section:
25 Certificated instructional staff, certificated administrative staff,
26 paraeducators, and front office staff.

27 NEW SECTION. **Sec. 5.** (1) The office of the superintendent of
28 public instruction shall convene a work group to:

29 (a) Guide the development of training standards or a curriculum
30 for interpreters working in elementary and secondary public schools;
31 and

32 (b) Recommend whether interpreters working in education settings
33 should be required to complete the curriculum or meet the standards
34 and, if so, how.

35 (2) The office of the superintendent of public instruction shall
36 select the members of the work group according to the following
37 requirements:

1 (a) Members must include representatives of the office of the
2 education ombuds, the office of the superintendent of public
3 instruction, the professional educator standards board, the
4 educational opportunity gap oversight and accountability committee,
5 interpreters working in education settings, interpreter unions,
6 language access experts, community-based organizations supporting
7 families with limited English proficiency, families with limited
8 English proficiency, an educational service district with expertise
9 in training interpreters, school districts, state education
10 associations, colleges and universities that either have or had an
11 interpreter program or are interested in establishing an interpreter
12 program, and others deemed necessary by the office of the
13 superintendent of public instruction;

14 (b) The maximum number of work group members is twenty-five,
15 including at least three representatives of community-based
16 organizations supporting family members with limited English
17 proficiency and three representatives of families with limited
18 English proficiency; and

19 (c) Members must be ethnically, racially, and geographically
20 diverse.

21 (3) The office of the superintendent of public instruction shall
22 provide staff support to the work group.

23 (4) The office of the superintendent of public instruction shall
24 contract with an organization to develop training standards or a
25 curriculum for interpreters working in elementary and secondary
26 public schools. The organization must have the depth of expertise
27 necessary to develop the standards or curriculum.

28 (5) The office of the superintendent of public instruction may
29 reimburse members of the work group representing families with
30 limited English proficiency for travel expenses and per diem.

31 (6) By November 20, 2020, and in compliance with RCW 43.01.036,
32 the work group must submit a report to the appropriate committees of
33 the legislature that:

34 (a) Includes the interpreter training standards or curriculum;
35 and

36 (b) Recommends whether interpreters working in education settings
37 should be required to complete the curriculum or meet the standards
38 and, if so, how.

39 (7) This section expires August 31, 2021.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320
2 RCW to read as follows:

3 (1) Within thirty days of a student's enrollment, the school
4 district must determine:

5 (a) The language in which the enrolled student's family prefers
6 to communicate with the school; and

7 (b) If the enrolled student's family's language is not English,
8 whether the enrolled student's family requires language services in
9 order to communicate effectively with school district staff.

10 (2) Beginning in the 2019-20 school year, each school district
11 must annually collect and submit to the office of the superintendent
12 of public instruction the information described under subsection (1)
13 of this section.

14 (3) Beginning in the 2019-20 school year, before developing,
15 revising, and implementing its language access plan and before
16 planning and budgeting for language access services, each school
17 district must analyze the information collected under subsection (2)
18 of this section.

19 (4) The office of the superintendent of public instruction may
20 adopt rules in accordance with chapter 34.05 RCW as necessary to
21 implement this section.

22 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.320
23 RCW to read as follows:

24 By June 1st of each year, school districts must establish
25 contracts for meaningful remote interpreter services for the
26 following school year.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.155
28 RCW to read as follows:

29 (1) Beginning in the 2019-20 school year, school districts must
30 document the language in which families of special education students
31 prefer to communicate and whether a qualified interpreter for the
32 student's family was provided at any planning meeting related to a
33 student's individualized education program or plan developed under
34 section 504 of the rehabilitation act of 1973.

35 (2) For the purposes of this section, "qualified interpreter"
36 means someone who is able to interpret effectively, accurately, and
37 impartially, both receptively and expressively using any necessary
38 specialized vocabulary.

1 NEW SECTION. **Sec. 9.** Section 4 of this act takes effect August
2 1, 2021.

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