
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1153

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

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

READ FIRST TIME 02/01/22.

1 AN ACT Relating to language access in public schools; adding a
2 new section to chapter 28A.710 RCW; adding a new section to chapter
3 72.40 RCW; adding a new chapter to Title 28A RCW; creating new
4 sections; and repealing RCW 28A.155.230.

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

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

7 (a) It is the policy of the state to welcome and encourage the
8 presence of diverse cultures and the use of diverse languages and
9 modalities of communication in business, government, and private
10 affairs in this state. To this end, the state has developed
11 interpreter credentialing programs for court, medical, and social
12 service settings.

13 (b) According to a report from the United States department of
14 education, 50 years of research has shown that family engagement has
15 beneficial impacts on student grades, test scores, drop-out rates,
16 students' sense of competence, and beliefs about the importance of
17 education. In Washington, many students' family members have language
18 access barriers because they prefer to communicate in a language
19 other than English or require communication assistance services.
20 Washington public schools' ability to effectively communicate with
21 students and their family members who have language access barriers

1 plays a vital role in reducing educational opportunity gaps. Failure
2 to provide language access hinders communication between schools and
3 families, which leads to long-term economic costs when a substantial
4 fraction of the students in Washington are not able to realize their
5 full potential.

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

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

28 (2) Therefore, the legislature intends to require public schools
29 to implement a language access plan and program for culturally
30 responsive, systemic family engagement developed through meaningful
31 stakeholder engagement. The legislature intends to provide training,
32 tools, and other technical assistance to public schools to support
33 the development, implementation, and evaluation of their language
34 access plans and programs. In addition, the legislature intends to
35 direct the development and implementation of credentialing for spoken
36 and sign language interpreters for students' families in educational
37 settings outside the classroom, with the goal of creating a
38 professional interpreter workforce guided by a code of ethics and
39 standards of practice. Finally, the legislature intends to establish

1 an ongoing advisory committee to guide, monitor, and report on the
2 implementation of these new policies.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Interpreter" means a spoken language or sign language
7 interpreter working in a public school, as defined in RCW
8 28A.150.010, to interpret for students' families, students, and
9 communities in educational settings outside the classroom.

10 (2) "Qualified interpreter" means an interpreter who is able to
11 interpret effectively, accurately, and impartially, both receptively
12 and expressively using any necessary specialized vocabulary until the
13 office of the superintendent of public instruction and the Washington
14 professional educator standards board establish a different
15 definition in rule making.

16 (3) "2020 and 2021 reports of the language access work group"
17 means the reports of the language access work group created by
18 section 2, chapter 256, Laws of 2019, and reconvened and expanded by
19 section 501(3)(g), chapter 334, Laws of 2021.

20 NEW SECTION. **Sec. 3.** The principles of an effective language
21 access program for culturally responsive, systemic family engagement
22 are as follows:

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

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

31 (3) Responsive culture. Schools are safe, compassionate places
32 where each family's opinions are heard, needs are met, and
33 contributions are valued. School staff are humble and empathetic
34 towards families; and

35 (4) Focus on relationships. Schools seek to relate to families on
36 an individual level, building trust through respectful relationships
37 that recognize the unique strengths that each family and student
38 possesses.

1 NEW SECTION. **Sec. 4.** (1) The center for the improvement of
2 student learning established in RCW 28A.300.130 must implement a
3 language access technical assistance program for culturally
4 responsive, systemic family engagement that meets the requirements of
5 this section.

6 (2) Subject to the availability of amounts appropriated for this
7 specific purpose, the language access technical assistance program
8 must:

9 (a) Adhere to the principles of an effective language access
10 program for culturally responsive, systemic family engagement
11 established in section 3 of this act;

12 (b) Provide training and technical assistance to support the
13 implementation of language access programs for culturally responsive,
14 systemic family engagement required under sections 5 and 8 of this
15 act;

16 (c) Develop and maintain training modules for interpreters on
17 interpreting for students' families and students in educational
18 settings outside the classroom;

19 (d) Develop, periodically update, and publish a language access
20 toolkit that includes the following resources:

21 (i) A self-assessment for evaluating the provision of language
22 access services;

23 (ii) A guide for the development, implementation, and evaluation
24 of a language access policy, procedures, and plan that meets the
25 specific needs of families and the community;

26 (iii) Best practices for using interpreter services provided by
27 dual role staff and contract interpreters, for using remote
28 interpretation, and for translating documents;

29 (iv) Language access service evaluation templates for spoken and
30 sign languages;

31 (v) Information for students' families about their language
32 access rights, translated into English, Spanish, and at least the
33 next nine languages most commonly used by students and their
34 families; and

35 (vi) Sample job description of school district language access
36 coordinators and building points of contact for language access
37 services;

38 (e) Develop, periodically update, and publish bilingual
39 glossaries of education terminology;

1 (f) Analyze and publish language access and language access
2 service information submitted as required under section 6 of this
3 act. In addition to disaggregation by the student race and ethnicity
4 categories and subcategories described in RCW 28A.300.042 (1) and
5 (3), the published information must be disaggregated, to the extent
6 possible, by language, school district and school, type of meeting,
7 and other demographics or categories; and

8 (g) Provide staff support for the language access advisory
9 committee established in section 10 of this act.

10 (3) The activities of and resources provided by the language
11 access technical assistance program must take into consideration the
12 recommendations in the 2020 and 2021 reports of the language access
13 work group.

14 NEW SECTION. **Sec. 5.** (1) Each school district must designate a
15 language access liaison to facilitate district compliance with state
16 and federal laws related to family engagement, including the
17 requirements under this section and section 6 of this act. If a
18 school district has a language access coordinator with duties as
19 described in subsection (4)(c) of this section, the language access
20 coordinator may also be the language access liaison.

21 (2) By October 1, 2022, each school district must adopt a
22 language access policy and procedures that adheres to the principles
23 of an effective language access program for culturally responsive,
24 systemic family engagement established in section 3 of this act and
25 incorporates the model policy and procedures described in section 9
26 of this act.

27 (3) Beginning with the 2023-24 school year, each school district
28 must implement a language access program for culturally responsive,
29 systemic family engagement. Implementation of a language access
30 program requires that a school district, at a minimum, complete the
31 following activities:

32 (a) Adopt a language access plan that outlines how the school
33 district identifies language access needs, allocates resources,
34 establishes standards for providing language access services, and
35 monitors the effectiveness of the language access program;

36 (b) Administer the self-assessment for evaluating the provision
37 of language access services, which is part of the toolkit described
38 in section 4 of this act;

1 (c) Use the guide for the development, implementation, and
2 evaluation of a language access policy, procedures, and plan, which
3 is part of the toolkit described in section 4 of this act. The
4 processes for developing and evaluating the language access policy,
5 procedures, and plan must engage staff, students' families, and other
6 community members in ways likely to result in timely and meaningful
7 feedback, for example partnering with community based organizations
8 and providing translation and interpretation in common languages
9 understood by students' families;

10 (d) Review, periodically, the language access policy and
11 procedures adopted as required under subsection (2) of this section
12 to incorporate updates made to the model policy and procedures
13 described in section 9 of this act;

14 (e) Collaborate with community-based organizations on how to work
15 effectively with interpreters; and

16 (f) Review, update, and publish, at least annually, information
17 about the school district's language access plan, policy and
18 procedures, and language access services, including the need for, and
19 spending on, language access services. The information must include
20 notice to families about their right to free language access services
21 and the contact information for any school district language access
22 coordinator and any building points of contact for language access
23 services. The information must be translated into common languages
24 understood by students' families.

25 (4)(a) Except as required under (b) of this subsection, school
26 districts are encouraged to have a language access coordinator with
27 the duties described in (c) of this subsection.

28 (b) Beginning with the 2023-24 school year, school districts with
29 at least 50 percent English learner enrollment or greater than 75
30 languages used by students or families must either: (i) Have a full-
31 time language access coordinator with the duties described in (c) of
32 this subsection; or (ii) annually report to the office of the
33 superintendent of public instruction the total number of hours school
34 district staff spent performing the language access coordinator
35 duties described in (c) of this subsection and other information as
36 required by the office of the superintendent of public instruction.

37 (c) The duties of the school district language access coordinator
38 are to: (i) Serve as the primary contact for families, community
39 members, school district staff responsible for monitoring compliance
40 with chapter 28A.642 RCW, the office of the superintendent of public

1 instruction, and the office of the education ombuds on issues related
2 to language access needs and language access services; (ii)
3 collaborate with any building points of contact for language access
4 services; (iii) receive training and technical assistance provided
5 under section 4 of this act; and (iv) deliver language access
6 training and support to school district staff.

7 (5) The requirements in this section do not apply to school
8 districts with both fewer than 1,000 enrolled students and less than
9 10 percent English learner enrollment.

10 NEW SECTION. **Sec. 6.** (1) School districts must annually collect
11 the following language access and language access service information
12 for use by the school district:

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

15 (b) Whether a qualified interpreter for the student's family was
16 requested for and provided at meetings reported in the longitudinal
17 student data system established under RCW 28A.300.500; and

18 (c) Other data on provision of language access services.

19 (2) School districts must submit the information collected under
20 subsection (1) of this section at the time and in the manner required
21 by the office of the superintendent of public instruction.

22 (3) Beginning in the 2023-24 school year, school districts must
23 provide an opportunity for participants in each interpreted meeting
24 to provide feedback on the effectiveness of the interpretation and
25 the provision of language access services.

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.710
27 RCW to read as follows:

28 Sections 5 and 6 of this act govern school operation and
29 management under RCW 28A.710.040 and apply to charter schools
30 established under this chapter.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.40
32 RCW to read as follows:

33 The center for deaf and hard of hearing youth and the state
34 school for the blind must comply with the requirements in sections 5
35 and 6 of this act.

1 NEW SECTION. **Sec. 9.** (1) By August 1, 2022, and periodically
2 thereafter, the Washington state school directors' association must
3 collaborate with the office of the superintendent of public
4 instruction to update a model policy and procedures for implementing
5 a language access program for culturally responsive, systemic family
6 engagement.

7 (a) When updating the model policy and procedures, the Washington
8 state school directors' association must perform a racial equity
9 impact analysis that involves the community.

10 (b) The model policy and procedure must include procedures for
11 the school district board of directors to annually review the
12 spending on and the need for language access services.

13 (c) The model policy and procedure must address procedures for
14 effective communication with students' families who are deaf, deaf
15 and blind, blind, hard of hearing, or need other communication
16 assistance.

17 (d) The elements of the model policy and procedures must take
18 into consideration the recommendations in the 2020 and 2021 reports
19 of the language access work group.

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

24 NEW SECTION. **Sec. 10.** (1) The office of the superintendent of
25 public instruction shall establish the language access advisory
26 committee to guide and monitor the implementation of this act and to
27 recommend changes to requirements, policies, and procedures related
28 to language access and language access services for students'
29 families, students, and communities in educational settings outside
30 the classroom.

31 (2) At a minimum, the advisory committee must guide, monitor, and
32 make recommendations on the following topics:

33 (a) The effectiveness of language access policies, procedures,
34 and programs;

35 (b) Family and community engagement, with a focus on
36 multicultural families, families whose students have multiple
37 barriers to student achievement, and families least engaged with
38 their schools;

39 (c) The definition of "qualified interpreter";

- 1 (d) Supply of and demand for interpreters;
2 (e) Training for interpreters;
3 (f) Credentialing requirements for interpreters, including a code
4 of professional conduct;
5 (g) Grants to cover nonstate controlled interpreter credentialing
6 requirement costs;
7 (h) Language access and language access service data collection
8 and analysis; and
9 (i) Evidence-based practices regarding language access, including
10 best practice for using state and federal funding to provide language
11 access services.

12 (3) (a) The members of the advisory committee must include
13 representatives from spoken and sign language services users,
14 community organizations that provide direct services to non-English
15 speaking families, interpreters for students' families, interpreter
16 preparation programs, advocacy organizations, schools, and school
17 districts.

18 (b) Members of the advisory committee must be reimbursed for
19 travel expenses in accordance with RCW 43.03.050 and 43.03.060.
20 Subject to available funding and as determined by the office of the
21 superintendent of public instruction, members of the advisory
22 committee who do not receive compensation from their employer or
23 contractor for attendance, either in person or virtually, at a
24 meeting of the advisory committee are eligible for a stipend.

25 (4) Staff support for the advisory committee must be provided by
26 the language access technical assistance program described in section
27 4 of this act, except with respect to credentialing requirements for
28 interpreters, for which staff support must also be provided by the
29 Washington professional educator standards board.

30 (5) The advisory committee must collaborate with the Washington
31 professional educator standards board, the Washington state office of
32 equity established in RCW 43.06D.020, the educational opportunity gap
33 oversight and accountability committee created in RCW 28A.300.136,
34 and other office of the superintendent of public instruction
35 committees that focus on ensuring equity in access to opportunities
36 for all students.

37 (6) By November 1, 2024, and periodically thereafter, the
38 advisory committee must submit, in compliance with RCW 43.01.036, a
39 report on implementation of this chapter to the office of the
40 superintendent of public instruction, the Washington professional

1 educator standards board, the governor, and the appropriate
2 committees of the legislature.

3 NEW SECTION. **Sec. 11.** (1) The office of the superintendent of
4 public instruction and the Washington professional educator standards
5 board shall collaborate to establish credentialing requirements for
6 interpreters as described in this section.

7 (2) Prior to establishing new credentialing requirements for
8 interpreters, the office of the superintendent of public instruction
9 and the Washington professional educator standards board must consult
10 with the language access advisory committee established in section 10
11 of this act.

12 (3) The credentialing requirements for interpreters must take
13 into consideration the recommendations in the 2020 and 2021 reports
14 of the language access work group.

15 (4) Credentialing requirements for interpreters, which must
16 include minimum employment requirements, may be phased in as training
17 and testing options become available and may be tiered based on the
18 structure and significance of the interaction between school staff
19 and the student's family.

20 (5) The office of the superintendent of public instruction and
21 the Washington professional educator standards board must establish,
22 and periodically update, a definition of "qualified interpreter" for
23 purposes of this chapter and for other purposes.

24 (6) Once a code of professional conduct for interpreters is
25 established, the superintendent of public instruction has the power
26 to issue, suspend, and revoke interpreter credentials to which the
27 code applies and to take other disciplinary actions against
28 interpreters to which the code applies.

29 (7) Any activities provided by the office of the superintendent
30 of public instruction or the professional educator standards board
31 that are required to meet credentialing requirements, including
32 training, testing, and applications, must be made available at no
33 cost to people who want to be interpreters.

34 (8) The electronic educator certification process must be adapted
35 to include interpreter credentials.

36 NEW SECTION. **Sec. 12.** The office of the superintendent of
37 public instruction and the Washington professional educator standards

1 board may adopt rules under chapter 34.05 RCW that are necessary for
2 the effective and efficient implementation of this chapter.

3 NEW SECTION. **Sec. 13.** RCW 28A.155.230 (Student language) and
4 2019 c 256 s 3 are each repealed.

5 NEW SECTION. **Sec. 14.** Sections 2 through 6 and 9 through 12 of
6 this act constitute a new chapter in Title 28A RCW.

7 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2022, in the omnibus appropriations act, this
10 act is null and void.

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