

October 3, 2019 9:00 a.m. – 4:00 p.m. Language Access Workgroup

Theme/Goal: Set Norms, Expectations and Goals

Association of Washington School Principals  
1021 8th Ave SE, Olympia, WA 98501

## Agenda

9:00 – 9:15	<b>Welcome</b> <i>Rep. Tina Orwall, Prime Bill Sponsor</i>
9:15 – 9:30	<b>Introductions and Agenda overview</b> <i>Maria Flores, Director of Title II, Part A and Special Programs, OSPI</i>
9:30 – 10:15	<b>Grounding, Organization and Norms</b> <i>Maria Flores, Director of Title II, Part A and Special Programs, OSPI</i>
10:15 – 11:00	<b>Overview of HB1130 and Tasks</b> <i>Maria Flores, Director of Title II, Part A and Special Programs, OSPI</i>
11:00 – 11:45	<b>Legal Review of Language Access</b> <i>Sarah Albertson, Managing Attorney, Equity and Civil Rights, OSPI</i> <i>Isaac Conner, Program Supervisor, Equity and Civil Rights, OSPI</i>
11:45 – 12:00	<i>Public Comment</i>
12:00 – 1:00	<b>Working Lunch: Meeting Locations</b>
1:00 – 1:30	<b>Small Group Sharing of Priorities</b>
1:30 – 2:30	<b>Large Group Sharing of Priorities</b> <i>Maria Flores, Director of Title II, Part A and Special Programs, OSPI</i>
2:30 – 3:15	<b>Organizing the Work</b> <i>Maria Flores, Director of Title II, Part A and Special Programs, OSPI</i> <i>Sarah Albertson, Managing Attorney, Equity and Civil Rights, OSPI</i>
3:15 – 3:45	<b>Future Schedule, Community Engagement and Logistics</b> <i>Maria Flores, Director of Title II, Part A and Special Programs, OSPI</i>
3:45 – 4:00	Final Announcements, and Conclude Meeting

# Language Access Workgroup

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OCTOBER 3, 2019

OLYMPIA, WA

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# Introductions

- Introduce yourself and the organization(s) you are representing
- Briefly share how language access has affected you (or your family, organization, school, etc.)

# Tasks & Questions Chart

- Please use the Language Access Workgroup Tasks Chart to take notes and write:
  - Ideas and questions,
  - Additional research or resources we should review
  - Follow up needed with staff or other members

# Grounding, Organization & Norms

1. **Grounding our language access-** With multiple interpreters, we will honor the time it takes to interpret and be thoughtful with our conversation
2. **Organization-** In order to translate all documents, we will honor our schedules and plan meeting topics at least one meeting in advance
3. **Norms-** We will collaboratively develop our agreements to each other and norms to:
  - Manage individual behavior
  - Facilitate group work
  - Increase productivity and effectiveness

\*Final list will be distributed to members at the next LAW Meeting.

# Decision Making Protocols

- Voting
- Consensus based
- Hybrid
- Other?

# Communication Protocols

## STAFF

- Facilitate Workgroup Meetings
- Policy research and analysis
- LAW webpage updates:  
<https://www.k12.wa.us/about-ospi/workgroups-committees/currently-meeting-workgroups/language-access-workgroup>
- Organize and communicate logistics of meetings and work plan
- Write report to Legislature
- Comply with Open Public Meetings Act Guidelines
- Other?

## MEMBERS

What will you commit to in supporting the work of this task force?



# Timeline and Phases

Months	Phases	
October-December 2019	Exploratory	
January-May 2020	Focused Research on Selected Priorities	
June-July 2020	Draft recommendations	
August-September 2020	Report writing and editing	
October 1, 2020	Final report due to Legislature	

# Overview of the HB 1130

## ADVISE OSPI AND WSSDA ON:

- a) The elements of an effective language access program for systemic family engagement and a plan for the implementation of this program
- b) The components of a technical assistance program for language access and a plan for the implementation of this program
- c) The development and sharing of a toolkit to help public schools:
  - (i) Assess the language needs of their communities
  - (ii) Develop, implement, and evaluate their language access plans and language services.
- d) The development and sharing of educational terminology glossaries that improve all families' access to the public
- e) The development and sharing of best practices or strategies for improving meaningful, equitable access for public school students and their family members who have language barriers, including the effective use of interpreters and when to provide translated documents in other formats.

## RECOMMENDATIONS ON:

- a) Standards for interpreters working in education settings, including familiarity with legal concepts related to and service requirements of, Part B of the federal Individuals with Disabilities in Education Improvement Act and Section 504 of the federal Rehabilitation Act of 1973
- b) Development and assessment of interpreters' knowledge of education terminology
- c) Feasibility and cost-effectiveness of adapting another state agency's interpreter program to test, train, or both, interpreters for educational purposes
- d) Updates to the Washington State School Director's Association's model language access policy
- e) Use of remote interpreter services, including the conditions under which remote interpreter services may be used to provide high quality interpreter services;
- f) Data collection and use necessary to create and improve state and local language access programs

# HB 1130

## Sec. 3.

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 the student's IEP or 504 plan and for meetings related to school discipline and truancy.

# Small Group Sharing of Priorities

- Individually: Write down some of your ideas for the tasks we need to accomplish.
- In small groups of 2-4: Share your ideas and organize central themes on your chart paper. Be prepared to report out to the whole group

# Large Group Sharing of Priorities

- Each small group share central themes/ideas
- Large group: Organize and priorities ideas into our draft work plan

# Organizing the Work

- Discussion and organization of prioritized topics and presentations for work plan

# Future Schedule, Community Engagement and Logistics

- Reoccurring meeting times - once a month
- Community and stakeholder engagement plan and forums
- Logistics for travel for future meetings



# Legal Review of Language Access

OSPI Equity and Civil Rights Office

Office of Superintendent of Public Instruction

Chris Reykdal, State Superintendent



# Civil Rights Laws



# Limited-English proficiency

“No person . . . shall, on the ground of race, color, or **national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI of the Civil Rights Act of 1964 (Title VI)

Schools must take affirmative steps to ensure that language barriers do not exclude limited-English proficient persons from effective participation in benefits and services.

*Lau v. Nichols*, 414 U.S. 563 (1974)



# Communication disabilities

Schools must take appropriate steps to ensure that communication with students, parents, and members of the public with disabilities is as effective as communication with others.

Title II of the Americans with Disabilities Act of 1990 (Title II)  
28 C.F.R. 35.160



# Washington state law

Discrimination on the basis of national origin and disability are also prohibited in Washington state law:

- Chapter 49.60 RCW – Washington Law Against Discrimination
- Chapter 28A.642 RCW – Washington Equal Educational Opportunity Law



# Local school district policies

Each school district is governed by its school board. The school board adopts policies and procedures and governs the district.

Relevant model policies and procedures:

- Effective Communication (Model policy #4217)
- Language Access Plan (Model policy #4218)
- Nondiscrimination (Model policy #3210)



# General Principles



# Meaningful communication with parents with limited-English proficiency

- Schools must ensure meaningful communication with all parents in a language they understand
- Schools must adequately notify parents with limited-English proficiency of information about any program, service, or activity of a school district that is called to the attention of other parents
- Schools must translate vital documents when a significant percentage of the population in a school or school district needs the information in a language other than English



# Examples of vital, or important, information

- Registration and enrollment in school and school programs
- Language assistance programs
- Report cards
- Student discipline policies and procedures
- Special education and related services, and meetings to discuss special education
- Parent-teacher conferences
- Grievance procedures and notices of nondiscrimination
- Parent handbooks
- Gifted and talented programs
- Magnet and charter schools
- Requests for parent permission for student participation in school activities





# Identifying language assistance needs

- Schools must develop and implement a process for identifying parents with limited-English proficiency and determining what their language needs are
- Schools may use a home language survey to inquire whether a parent requires oral or written communication in a language other than English



# Appropriate, competent interpreters and translators

- Schools must provide effective language assistance to parents with limited-English proficiency with appropriate, competent staff or outside resources
- Students, siblings, friends, and untrained staff members are not considered qualified translators or interpreters, even if they are bilingual



# Appropriate, competent interpreters and translators

All interpreters and translators, including staff acting in this capacity, must

- Be proficient in the target languages
- Have knowledge of specialized terms or concepts in both language, and
- Be trained in the role of an interpreter or translator, the ethics of interpreting and translating, and the need to maintain confidentiality



# Effective communication with people with disabilities

- Schools must provide aids and services when needed to communicate effectively with people who have communication disabilities
- The key to deciding what aid or service is needed to communicate effectively is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication



# Effective communication with people with disabilities

- Schools are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability
- If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available



# Effective communication with people with disabilities

- The school is responsible for providing effective communication—the school cannot require a person to bring someone to interpret for him or her
- A school can rely on a companion to interpret in very limited circumstances
  - Emergencies, only when a qualified interpreter is not available
  - Non-emergencies, when the individual requests this, the adult companion agrees, and it is appropriate under the circumstances



# Enforcement Tools





# OSPI monitoring and enforcement

- OSPI has authority to enforce state nondiscrimination laws in school districts
- OSPI monitors school districts' compliance to related to having systems in place to
  - Identify parents' language assistance needs
  - Provide interpretation and translation services
  - Ensure appropriate, competent interpreters and translators
- OSPI may investigate individual or systemic allegations of discrimination





# Complaints regarding the denial or limitation of language assistance services

- Every school district has a discrimination complaint procedure that outlines steps for formal complaints
  - The school district must investigate and respond in writing
  - A complainant may appeal to the school board and then file a complaint with OSPI
- Other complaint options
  - Washington State Human Rights Commission
  - U.S. Department of Education, Office for Civil Rights
  - U.S. Department of Justice, Civil Rights Division



# Individual right of action

- Individuals may file a lawsuit under federal and state laws for injunctive relief and compensatory damages



## Language Access Workgroup Tasks

Tasks in HB1130	Notes/Questions
<b>(2) Advise OSPI and WSSDA on:</b>	
(a) The elements of an effective language access program for systemic family engagement and	Ex: What does an effective language access program look like?
a plan for the implementation of this program	Ex: Who will monitor implementation?
(b) The components of a technical assistance program for language access and	Ex: What are the components of a technical assistance program?
a plan for the implementation of this program	Ex: What is the timeline of implementation?
(c) The development and sharing of a tool kit to help public schools:	
(i) Assess the language needs of their communities	Ex: How do schools currently assess the language access needs of their communities?

## Language Access Workgroup Tasks

Tasks in HB1130	Notes/Questions
(ii) Develop,	Ex: What are the steps to development?
Implement,	Ex: What tools do schools need for implementation?
Evaluation their language access plans and language services	Ex: How will students and families served give feedback on the plan and services?
(d) The development and sharing of educational terminology glossaries that improve all families' access to the public school system	Ex: What glossaries exist and in what languages?
(e) The development and sharing of best practices or strategies for improving meaningful, equitable access for public school students and their family members who have language access barriers, including effective use of interpreters and when to provide translated documents in other formats.	Ex: What are the best practices for improving meaningful, equitable access?
<b>(3) Develop recommendations for practices and policies that should be adopted at the state or local level on the following topics:</b>	
(a) Standards for interpreters working in education settings, including familiarity with legal concepts related to, and service requirements of, Part B of the federal individuals with disabilities education improvement act and section 504 of the federal rehabilitation act of 1973	Ex: What should be included in the standards?

## Language Access Workgroup Tasks

Tasks in HB1130	Notes/Questions
(b) Development an assessment of interpreters' knowledge of education terminology	Ex: What assessments exist currently?
(c) The feasibility and cost-effectiveness of adapting another state agency's interpreter program to test, train, or both, interpreters for educational purposes	Ex: What interpreter programs exist?
(d) Updates to the Washington state school directors' association's model language access policy	Ex: Is the current policy working as intended?
(e) Use of remote interpreter services, including the conditions under which remote interpreter services may be used to provide high quality interpreter services	Ex: When should remote interpreter services be used?
(f) Data collection and use necessary to create and improve state and local language access programs	Ex: What needs to be collected and how and by whom?