

Multiple Agency Fiscal Note Summary

Bill Number: 1153 E 2S HB AMS WM S5166.1	Title: Language access in schools
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Superintendent of Public Instruction	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Governor	.1	54,000	54,000	54,000	.3	98,000	98,000	98,000	.3	98,000	98,000	98,000
Superintendent of Public Instruction	1.2	484,300	484,300	484,300	2.3	733,300	733,300	733,300	2.3	720,000	720,000	720,000
Superintendent of Public Instruction	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
State School For The Blind	.0	24,394	24,394	24,394	.0	50,252	50,252	50,252	.0	51,758	51,758	51,758
Washington State Center for Childhood Deafness and Hearing Loss	Fiscal note not available											
Total \$	1.3	562,694	562,694	562,694	2.6	881,552	881,552	881,552	2.6	869,758	869,758	869,758

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
State School For The Blind	.0	0	0	.0	0	0	.0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Preliminary 3/10/2022
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Individual State Agency Fiscal Note

Bill Number: 1153 E 2S HB AMS WM S5166.1	Title: Language access in schools	Agency: 075-Office of the Governor
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.3	0.1	0.3	0.3
Account					
General Fund-State 001-1	0	54,000	54,000	98,000	98,000
Total \$	0	54,000	54,000	98,000	98,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate) , are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 03/01/2022
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 03/03/2022
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 03/03/2022
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/03/2022

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency .

Changes in the striker do not impact the Office of the Governor's previous fiscal note assumptions.

The Office of Equity is required to collaborate with the language access advisory committee established under section 10 of this act, and consequentially, will be required to collaborate with OSPI and PESB to implement section 11 as described below.

Section 10 – The language access advisory committee established under this section by OSPI is required to collaborate with the Office of Equity. The Office of Equity, as part of this language access advisory committee, will provide consulting and participate in committee activities related to the duties of the committee :

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 the following topics :

- The effectiveness of language access policies, procedures, and programs ;
- Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools ;
- The definition of "qualified interpreter";
- Supply of and demand for interpreters;
- Training for interpreters;
- Credentialing requirements for interpreters, including a code of professional conduct ;
- Grants to cover nonstate controlled interpreter credentialing requirement costs ;
- Language access and language access service data collection and analysis; and
- Evidence-based practices regarding language access, including best practice for using state and federal funding to provide language access services.

By November 1, 2024, and periodically thereafter, the advisory committee must submit, in compliance with RCW 43.01.036, a report on implementation of this chapter to the office of the superintendent of public instruction, the Washington professional educator standards board, the governor, and the appropriate committees of the legislature.

Section 11 – OSPI and the Washington professional educator standards board (PESB) shall collaborate to establish credentialing requirements for interpreters as described in this section.

Prior to establishing new credentialing requirements for interpreters, they must consult with the language access advisory committee established in section 10 of this act.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates . Distinguish between one time and ongoing functions .

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

0.25 FTE – Language Access Program Consultant at an annual salary of \$115,000 is required to implement Sections 10 and 11 of this bill to provide highly specialized language access consultation /collaboration that falls outside of the scope of the duties performed by FTEs provided to build the Office’s infrastructure.

This position will require approximately 520 hours to perform the following tasks :

a. 120 hours for attending language access advisory committee and interpreter credentialing workgroup meetings - assuming 12 language access advisory committee meetings per year x 4.5 hours each and @ 12 interpreter credentialing workgroup meetings per year x 3 hours each and 30 hours for tracking and responding to committee and workgroup email communications and calls.

b. 350 hours for conducting research and analysis, and providing recommendations related to :

- Guide and monitor the implementation of this act and 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;

- The effectiveness of language access policies, procedures, and programs ;

- Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools ;

- The definition of "qualified interpreter";

- Supply of and demand for interpreters ;

- Training for interpreters ;

- o Credentialing requirements for interpreters, including a code of professional conduct ;

- o Grants to cover nonstate controlled interpreter credentialing requirement costs ;

- o Language access and language access service data collection and analysis; and

- o Evidence-based practices regarding language access, including best practice for using state and federal funding to provide language access services.

c. 50 hours for reviewing and providing feedback on the language access advisory committee’s report to the Office of the Superintendent of Public Instruction, the Washington Professional Educator Standards Board, the Governor, and the appropriate committees of the legislature on implementation of this chapter due by November 1, 2024, and periodically thereafter.

Goods and services: Based on average employee costs, the Office requests ongoing funding for supplies and materials, communications and telecommunications services, training, software licensing and maintenance at \$2,000 per year, per FTE.

Travel: Based on average employee travel in FY 2019, the Office requests ongoing funding for travel associated with this position at \$1,000 per year, per FTE.

Capital Outlays: The Office requests one-time funding for purchasing equipment for working remotely at \$5,000 per FTE.

Indirect: The Office pays OFM an indirect fee of approximately \$30,000 per FTE for administrative support associated with implementing this legislation. Support costs include, but are not limited to, IT support, payroll and accounting services, and human resource services.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	54,000	54,000	98,000	98,000
Total \$			0	54,000	54,000	98,000	98,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		0.3	0.1	0.3	0.3
A-Salaries and Wages		29,000	29,000	58,000	58,000
B-Employee Benefits		9,000	9,000	18,000	18,000
C-Professional Service Contracts					
E-Goods and Other Services		2,000	2,000	4,000	4,000
G-Travel		1,000	1,000	2,000	2,000
J-Capital Outlays		5,000	5,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements		8,000	8,000	16,000	16,000
T-Intra-Agency Reimbursements					
9-					
Total \$	0	54,000	54,000	98,000	98,000

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Language Access Program Consultant	115,000		0.3	0.1	0.3	0.3
Total FTEs			0.3	0.1	0.3	0.3

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 1153 E 2S HB AMS WM S5166.1	Title: Language access in schools	Agency: 350-Superintendent of Public Instruction
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.
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Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	2.4	1.2	2.3	2.3
Account					
General Fund-State 001-1	0	484,300	484,300	733,300	720,000
Total \$	0	484,300	484,300	733,300	720,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☒

Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 03/01/2022
Agency Preparation: Troy Klein	Phone: (360) 725-6294	Date: 03/07/2022
Agency Approval: Jami Marcott	Phone: (360) 725-6230	Date: 03/07/2022
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 03/07/2022

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

E2SHB 1153 AMS WM S5166.1 changes from E2SHB 1153:

The new version of the bill modifies the date by which implementation of a language access program is required from the 2022-23 school year to the 2023-24 school year.

Removes language access liaison and language access program implementation requirements for school districts that have both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

Specifies that any activities provided by the Office of the Superintendent of Public Instruction (OSPI) or the Professional Educator Standards Board (PESB), rather than state-controlled activities, that are required to meet credentialing requirements must be made available at no cost to people who want to be interpreters.

Section 1 is a findings and intent section.

Section 2 provides definitions for interpreter, qualified interpreter, and reports of the language access work group.

Section 3 provides that the principles of an effective language access program for culturally responsive, systemic family engagement would have accessibility and equity, accountability and transparency, responsive culture, and focus on relationships.

Section 4 directs the Office of the Superintendent of Public Instruction (OSPI) to implement a language access technical assistance program that includes specified activities, that are subject to appropriation.

Section 5 requires school districts, charter schools, the center for deaf and hard of hearing youth, and the state school for the blind to adopt language access policy and procedures by October 1, 2022 and to implement a language access program by the 2023-24 school year that meets stated requirements.

Section 6 requires school districts, charter schools, the center for deaf and hard of hearing youth, and the state school for the blind to collect language access data annually that meet stated requirements.

Section 7 and 8 state that sections 5 and 6 of the bill would apply to charter schools, the center for deaf and hard of hearing youth, and the state school for the blind.

Section 9 of the bill requires that by August 1, 2022, and periodically thereafter, the Washington State School Directors' Association (WSSDA) update a model policy and procedures for implementing a language access program.

Section 10 requires OSPI to establish the language access advisory committee to guide and monitor the implementation of the bill, 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, and to submit a report by November 1, 2024, and periodically thereafter.

Section 11 requires OSPI and the Professional Educator Standards Board (PESB) to collaborate on establishing credentialing requirements for interpreters as described in the bill.

Section 12 allows OSPI and PESB to adopt any necessary rules under RCW 34.05.

Section 13 repeals RCW 28A.155.230, and 2019 c 256 s 3.

Section 14 states that sections 2 through 6, and 9 through 12 of the bill would constitute a new chapter in RCW 28A.

Section 15 requires that specific funding be provided by June 30, 2022 or the bill is null and void.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

This bill would have an indeterminate cash receipts impact. Section 11 of the bill requires OSPI and PESB to collaborate on establishing credentialing requirements for interpreters as described in the bill, and the state controlled activities necessary to meet credentialing requirements must be made available at no cost to people who want to be interpreters. If both OSPI and PESB were to forgo the collection of certification fees for an estimated 2,500 individuals then the total cash receipts impact of this bill would be a total of \$232,500 reduction in certification fees collected (see detailed discussion below).

OSPI cash receipts impact:

The cash receipt impact to OSPI is indeterminate. Currently OSPI does not issue certificates to these type of interpreters, they would be a brand new certificate type. OSPI does not know how many individuals would qualify for this new certificate, it is also assumed that it would be a renewable certificate type but no rules have been established yet, so it is not known how often the individuals would need to renew. If OSPI were to assume that 2,500 individuals were to apply in a given year then the cash receipt impact, assuming that OSPI will cover the cost for this and forgo collecting a normal certification fee in the Educator Certification Processing Account would be a \$127,500 (2,500 individuals times \$51.00 per certificate) reduction in certification fees collected.

PESB cash receipts impact:

The cash receipts impact to PESB is indeterminate, depending on the amount of individuals that would qualify for the certificate and therefore the amount of certification fees waived. Using Residency Educational Staff Associate (ESA) fees as an example, OSPI currently collects \$51.00 and PESB collects \$42.00. So If PESB were to assume that 2,500 individuals were to apply in a given year then the cash receipt impact of PESB forgoing certification fee collection would mean a \$105,000 (2,500 individuals times \$42.00 per certificate) reduction in certification fees collected.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

OSPI expenditure impact:

Section 4 of the bill creates a language access technical assistance program at OSPI that, subject to appropriation, provides training and technical assistance to support the implementation of language access programs for culturally responsive systemic family engagement required under sections 5 and 8 of the bill. OSPI estimates that this work would require a 1.0 FTE Program Supervisor at a WMS 2 level, a 1.0 FTE Administrative Assistant 3, step M, and a .25 Research Analyst at a WMS 2 level beginning in FY 2023. The cost for this staffing is about \$281,000 in FY 2023, and \$269,000 in years after. Also it is assumed that translation costs of about \$16,000 per fiscal year, starting in FY 2023, will be required to accomplish the work outlined in this section of the bill. The total costs for section 4 are estimated at \$297,000 in FY 2023, and \$285,000 in FY 2024 and years after.

In addition section 4(2)(c) requires that OSPI develop and maintain training modules for interpreters on interpreting for students' families and students in education settings outside the classroom. Based on previous agency experience developing training modules for Social Emotional Learning, OSPI estimates that the training modules would require a

contractor and would cost about \$104,000 in FY 2023 and about \$12,000 in years after for the contractor to update and maintain the online training inventory.

Sections 5-8: The expenditure impact is indeterminate, but OSPI assumes that school district allocations would be made to cover the school districts costs in sections 5 through 8 of the bill, OSPI also assumes that this allocation would be made through the OSPI apportionment system.

Section 5 requires school districts to implement a language access program by the 2023-24 school year. The program must include development of a language access plan that outlines how a school district identifies language access needs; allocates resources, establishes standards for providing language access services, and monitors effectiveness; provides for administering a self-assessment for evaluating the provision of language assistance services; provides for the development and implementation of a language access policy, procedures and plan; adopts language access policy and procedures that adhere to the principles of an effective language access program for culturally responsive, systemic family engagement; collaborates with community-based organizations; and provides for annual review, updating, and publishing. There is also a provision that districts with least 50 percent English learner (ELL) enrollment or greater than 75 languages spoken by students or families have either a full-time language access coordinator or annually report to OSPI the total number of hours district staff spent performing the language access coordinator duties.

For this fiscal note OSPI can estimate the cost impact to school districts with at least a 50% ELL enrollment or greater than 75 languages spoken, based on the latest available data. It is assumed that these would be the school districts that would be required to have a full-time language access coordinator, and there are 14 school districts that meet this criteria :

For the 2 school districts with a total enrollment 30,000 or more students it is estimated that each district would require 3 FTE's at an estimated cost of \$140,000 per FTE, for a total of \$840,000 for this size of school district.

For the 4 school districts with a total enrollment between 20,000-29,999 students it is estimated that each district would require 2 FTE's at an estimated cost of \$140,000 per FTE, for a total of \$1,120,000 for this size of school district.

For the 8 school districts with a total enrollment under 20,000 students it is estimated that each district would require 1 FTE at an estimated cost of \$140,000 per FTE, for a total of \$1,120,000 for this size of school district.

For all other districts the cost impact would be indeterminate. For these districts it is assumed that they would use existing staff and annually report the hours. OSPI does not know at the individual school district level, what the staffing costs would be for administering a self-assessment for evaluating the provision of language assistance services, and the development and implementation of a language access policy, procedures and plan, and reporting the data to OSPI. School districts with both fewer than 1,000 enrolled students and less than 10 percent ELL enrollment are exempted.

Section 6 outlines the data that is required to be collected by school districts, reported to OSPI, and made publicly accessible twice per year. OSPI assumes for this fiscal note that the school district staff from section 5 of the bill would be the staff responsible for collecting and reporting the data.

Section 7 and 8 state that sections 5 and 6 of the bill would apply to charter schools, the center for deaf and hard of hearing youth, and the state school for the blind. The cost impact for this is indeterminate as it is assumed for this fiscal note that they would use existing staff and annually report the hours. OSPI does not know at the individual school level what the staffing costs would be for administering a self-assessment for evaluating the provision of language assistance services, and the development and implementation of a language access policy, procedures and plan, and reporting the data to OSPI.

Section 9 of the bill requires OSPI and WSSDA to maintain the model policy and procedures for implementing a language access program for culturally responsive , systemic family engagement on each agency's website, at no cost to school districts. OSPI assumes that this work would be done by the FTE's estimated in section 4 of the bill (above). The cost for WSSDA is addressed below in their expenditure impact estimate for this fiscal note.

Section 10 of the bill requires OSPI to establish the language access advisory committee to guide and monitor the implementation of the bill, 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. Staff support for the advisory committee will be provided by the language access technical assistance program FTE's from section 4 of the bill. OSPI estimates that this advisory committee, for its work and the required reporting, would convene an estimated 6 times times per fiscal year starting in FY 2023 with an assumed 35 members. The estimated cost would be about \$63,000 per fiscal year for advisory committee related expenses, starting in FY 2023.

Section 11 of the bill requires OSPI and PESB to collaborate on establishing credentialing requirements for interpreters as described in the bill, and that OSPI or PESB provided activities required to meet credentialing requirements must be made available at no cost to people who want to be interpreters. The expenditure impact to OSPI for this section of the bill is indeterminate. Currently OSPI does not issue certificates to these type of interpreters, they would be a brand new certificate type. OSPI does not know how many individuals would qualify for this new certificate, it is also assumed that it would be a renewable certificate type but no rules have been established yet, so it is not known how often the individuals would need to renew. OSPI estimates that the costs for this new certificate type would involve systems development work in the e-certification system, and also customer service staff time. Because OSPI does not know what rules will be adopted for the certificates or whether a tiered system for the certificates will be used, it does not have an estimate for system development costs. OSPI also does not know the customer service cost for this work, but if OSPI were to assume that 2,500 individuals were to apply in a given year then the cost for customer service would be \$127,000 (2,500 individuals times \$51.00 per certificate), this is an amount equal to the amount of revenue that OSPI would not collect in the Educator Processing Account for these certificates, per section 11 (7) of the bill, and is how OSPI's certification department is funded. OSPI assumes for this fiscal note that the legislature would provide an appropriation of an amount equal to the estimated lost certification revenue of \$127,500 to fund the OSPI certification department for the amount of staff work that would be required for section 11 of the bill.

Section 12, which allows OSPI to adopt any necessary rules under RCW 34.05 for implementation would be done by the FTE's from the language access technical assistance program created in section 4 of the bill.

WSSDA expenditure impact:

Section 9 of the bill requires OSPI and WSSDA to maintain the model policy and procedures for implementing a language access program for culturally responsive , systemic family engagement on each agency's website, at no cost to school districts. WSSDA estimates that the work outlined in Section 9 of the bill would cost \$7,000 for WSSDA to develop and post a model policy for free to the public on the topic of language access in FY 2023.

PESB expenditure impact for sections 10 and 11 :

To implement the bill, PESB would provide staffing support to the language access advisory committee with respect to credentialing interpreters. PESB would also collaborate with OSPI to establish credentialing requirements for interpreters, in consultation with the language access advisory committee and taking into account language access work group report recommendations. PESB would also collaborate with OSPI to establish and periodically update a definition of qualified interpreter, minimum employment requirements, credentialing and assessment requirements, and a professional code of conduct. This work would involve rulemaking, communications, and technical support.

To accomplish this work, PESB would need a 0.1 FTE exempt program manager, during fiscal years 2023 and 2024 for start-up. The costs are estimated at \$13,300 per fiscal year for FY 2023 and FY 2024.

For subsequent years, ongoing activities such as revising rules, ensuring fidelity of rule implementation, and communication and outreach would fall within PESB’s regular scope of work and would not require additional resources.

These cost estimates do not include any costs such as testing, training, or staff work absorbed due to forgone certification fee revenue related to Section 11(7) of the bill. These costs are indeterminate because PESB does not know how many individuals would qualify for the certificate and does not know whether rules developed under Section 12 would require testing or training that would involve fees. If those costs were to be included, then the cost estimates for object E would need to be adjusted accordingly. PESB estimates testing fees at about \$735-\$850 per person. At this rate, the additional cost for 2,500 people would be around \$2,000,000. This figure does not include retake fees or training (clock hour) fees for certification renewals. Also PESB assumes for this fiscal note that the legislature would provide an appropriation of an amount equal to the estimated lost certification revenue of \$105,000 to fund PESB for the amount of staff work that would be required for implementation of section 11 of the bill.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	484,300	484,300	733,300	720,000
Total \$			0	484,300	484,300	733,300	720,000

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		2.4	1.2	2.3	2.3
A-Salaries and Wages		161,892	161,892	315,284	306,784
B-Employee Benefits		89,830	89,830	174,348	171,048
C-Professional Service Contracts		104,000	104,000	24,000	24,000
E-Goods and Other Services		46,162	46,162	77,336	75,836
G-Travel		71,166	71,166	142,332	142,332
J-Capital Outlays		11,250	11,250		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	484,300	484,300	733,300	720,000

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Administrative Assistant 3, Step L	48,996		1.0	0.5	1.0	1.0
PESB Program Supervisor, Exempt	85,000		0.1	0.1	0.1	
Program Supervisor, WMS 2	83,517		1.0	0.5	1.0	1.0
Research Analyst, WMS 2	83,517		0.3	0.1	0.3	0.3
Total FTEs			2.4	1.2	2.3	2.3

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules .

Section 12 allows OSPI and PESB to adopt any necessary rules under RCW 34.05.

Individual State Agency Fiscal Note

Bill Number: 1153 E 2S HB AMS WM S5166.1	Title: Language access in schools	Agency: 351-State School For The Blind
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
Account					
General Fund-State 001-1	0	24,394	24,394	50,252	51,758
Total \$	0	24,394	24,394	50,252	51,758

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate) , are explained in Part II.

Check applicable boxes and follow corresponding instructions:

☐

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.

☒

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 03/01/2022
Agency Preparation: Mary Sarate	Phone: (360) 696-6321	Date: 03/03/2022
Agency Approval: Mary Sarate	Phone: (360) 696-6321	Date: 03/03/2022
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/03/2022

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency .

1153 E2S HB AMS WM S5166.1 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 sections; and repealing RCW 28A.155.230. The bill addresses language access in public schools and directs implementation of a language access program for culturally responsive, systemic family engagement. At a minimum, the following activities are required 1) Implement a language access plan 2) Administer a self assessment for evaluating language access services 3) Use the established guide for the development, implementation, and evaluation of the language access policy, procedures and plan, which is part of the toolkit established by the center for the improvement of student learning 4) Adopt a language access policy and procedures that adheres to the principles of an effective language access program 5) Collaborate with community-based organizations 6)Review, update, and publish, at least annually, information about the school's language access services 7) Designate a language access liaison/coordinator identifying roles and responsibilities including staff training plan 8) Annually collect language access and language access service information including language preference, feedback from participants, interpreter requests by families and various other data on provision of language access services and make publicly available twice per year and participate on committees as directed by the bill.

Training for staff and data collection efforts: \$13,944
Remote Interpreters: \$6,000
Written Translation-IEPs: \$2,450
Written Translation-Correspondence: \$2,000

Grand Total \$24,394

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates . Distinguish between one time and ongoing functions .

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

1153 E2S HB AMS WM S5166.1 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 sections; and repealing RCW 28A.155.230. The bill addresses language access in public schools and directs implementation of a language access program for culturally responsive, systemic family engagement. At a minimum, the following activities are required 1) Implement a language access plan 2) Administer a self assessment for evaluating language access services 3) Use the established guide for the development, implementation, and evaluation of the language access policy, procedures and plan, which is part of the toolkit established by the center for the improvement of student learning 4) Adopt a language access policy and procedures that adheres to the principles of an effective language access program 5) Collaborate with community-based organizations 6)Review, update, and publish, at least annually, information about the school's language access services 7) Designate a language access liaison/coordinator identifying roles and responsibilities including staff training plan 8) Annually collect language access and language access service information including language preference, feedback from participants, interpreter requests by families and various other data on provision of language access services and make publicly available twice per year and participate on committees as directed by the bill.

Training for staff and data collection efforts: \$13,944
Remote Interpreters: \$6,000

Written Translation-IEPs: \$2,450
Written Translation-Correspondence: \$2,000

Grand Total \$24,394

Each subsequent biennia was increased by 3% to allow for staff step increases and translator inflation.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	24,394	24,394	50,252	51,758
Total \$			0	24,394	24,394	50,252	51,758

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
A-Salaries and Wages		9,551	9,551	19,674	20,264
B-Employee Benefits		4,393	4,393	9,050	9,322
C-Professional Service Contracts					
E-Goods and Other Services		8,450	8,450	17,408	17,930
G-Travel		2,000	2,000	4,120	4,242
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	24,394	24,394	50,252	51,758

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA
NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods
NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 1153 E 2S HB AMS WM S5166.1	Title: Language access in schools	Agency: SDF-School District Fiscal Note - SPI
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate) , are explained in Part II.

Check applicable boxes and follow corresponding instructions:

☒

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.

☐

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 03/01/2022
Agency Preparation: Troy Klein	Phone: 360 725-6294	Date: 03/07/2022
Agency Approval: Jami Marcott	Phone: (360) 725-6230	Date: 03/07/2022
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 03/07/2022

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

E2SHB 1153 AMS WM S5166.1 changes from E2SHB 1153:

The new version of the bill modifies the date by which implementation of a language access program is required from the 2022-23 school year to the 2023-24 school year.

Removes language access liaison and language access program implementation requirements for school districts that have both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

Specifies that any activities provided by the Office of the Superintendent of Public Instruction (OSPI) or the Professional Educator Standards Board (PESB), rather than state-controlled activities, that are required to meet credentialing requirements must be made available at no cost to people who want to be interpreters.

Section 1 is a findings and intent section.

Section 2 provides definitions for interpreter, qualified interpreter, and reports of the language access work group.

Section 3 provides that the principles of an effective language access program for culturally responsive, systemic family engagement would have accessibility and equity, accountability and transparency, responsive culture, and focus on relationships.

Section 4 directs the Office of the Superintendent of Public Instruction (OSPI) to implement a language access technical assistance program that includes specified activities, that are subject to appropriation.

Section 5 requires school districts, charter schools, the center for deaf and hard of hearing youth, and the state school for the blind to adopt language access policy and procedures by October 1, 2022 and to implement a language access program by the 2023-24 school year that meets stated requirements.

Section 6 requires school districts, charter schools, the center for deaf and hard of hearing youth, and the state school for the blind to collect language access data annually that meet stated requirements.

Section 7 and 8 state that sections 5 and 6 of the bill would apply to charter schools, the center for deaf and hard of hearing youth, and the state school for the blind.

Section 9 of the bill requires that by August 1, 2022, and periodically thereafter, the Washington State School Directors' Association (WSSDA) update a model policy and procedures for implementing a language access program.

Section 10 requires OSPI to establish the language access advisory committee to guide and monitor the implementation of the bill, 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, and to submit a report by November 1, 2024, and periodically thereafter.

Section 11 requires OSPI and the Professional Educator Standards Board (PESB) to collaborate on establishing credentialing requirements for interpreters as described in the bill.

Section 12 allows OSPI and PESB to adopt any necessary rules under RCW 34.05.

Section 13 repeals RCW 28A.155.230, and 2019 c 256 s 3.

Section 14 states that sections 2 through 6, and 9 through 12 of the bill would constitute a new chapter in RCW 28A.

Section 15 requires that specific funding be provided by June 30, 2022 or the bill is null and void.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

School district cash receipts impact:

OSPI assumes that school district allocations would be made to cover the school district costs in the bill. School district costs for this bill are indeterminate so the cash receipts impact for school districts is indeterminate.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

School district expenditure impact:

This bill would have an indeterminate expenditure impact on school districts. OSPI also assumes that school district allocations would be made to cover the school districts costs in sections 5 through 8 of the bill.

Section 5 requires school districts to implement a language access program by the 2023-24 school year. The program must include development of a language access plan that outlines how a school district identifies language access needs; allocates resources, establishes standards for providing language access services, and monitors effectiveness; provides for administering a self-assessment for evaluating the provision of language assistance services; provides for the development and implementation of a language access policy, procedures and plan; adopts language access policy and procedures that adhere to the principles of an effective language access program for culturally responsive, systemic family engagement; collaborates with community-based organizations; and provides for annual review, updating, and publishing. There is also a provision that districts with least 50 percent English learner (ELL) enrollment or greater than 75 languages spoken by students or families have either a full-time language access coordinator or annually report to OSPI the total number of hours district staff spent performing the language access coordinator duties.

For this fiscal note OSPI can estimate the cost impact to school districts with at least a 50% ELL enrollment or greater than 75 languages spoken, based on the latest available data. It is assumed that these would be the school districts that would be required to have a full-time language access coordinator, and there are 14 school districts that meet this criteria :

For the 2 school districts with a total enrollment 30,000 or more students it is estimated that each district would require 3 FTE's at an estimated cost of \$140,000 per FTE, for a total of \$840,000 for this size of school district.

For the 4 school districts with a total enrollment between 20,000-29,999 students it is estimated that each district would require 2 FTE's at an estimated cost of \$140,000 per FTE, for a total of \$1,120,000 for this size of school district.

For the 8 school districts with a total enrollment under 20,000 students it is estimated that each district would require 1 FTE at an estimated cost of \$140,000 per FTE, for a total of \$1,120,000 for this size of school district.

For all other districts the cost impact would be indeterminate. For these districts it is assumed that they would use existing staff and annually report the hours. OSPI does not know at the individual school district level, what the staffing costs would be for administering a self-assessment for evaluating the provision of language assistance services, and the development and implementation of a language access policy, procedures and plan, and reporting the data to OSPI. School districts with both fewer than 1,000 enrolled students and less than 10 percent ELL enrollment are exempted.

Section 6 outlines the data that is required to be collected by school districts, reported to OSPI, and made publicly accessible twice per year. OSPI assumes for this fiscal note that the school district staff from section 5 of the bill would be the staff responsible for collecting and reporting the data.

Section 7 and 8 state that sections 5 and 6 of the bill would apply to charter schools, the center for deaf and hard of hearing youth, and the state school for the blind. The cost impact for this is indeterminate as it is assumed for this fiscal note that they would use existing staff and annually report the hours. OSPI does not know at the individual school level what the staffing costs would be for administering a self-assessment for evaluating the provision of language assistance services, and the development and implementation of a language access policy, procedures and plan, and reporting the data to OSPI.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA
NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods
NONE

IV. D - Capital FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB
NONE

Part V: New Rule Making Required