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HOUSE BILL NO. 1278
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Appropriations
 on _____)

(Patron Prior to Substitute—Delegate Reaser)

A *BILL* to amend the Code of Virginia by adding in Chapter 1 of Title 22.1 a section numbered 22.1-4.4, relating to school board policies; communication and language accessibility for limited English proficient parents; requirements.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 22.1 a section numbered 22.1-4.4 as follows:

§ 22.1-4.4. School board policies; communication and language accessibility for limited English proficient parents.

A. As used in this section:

"Language assistance services" means oral interpretation and written translation services that are provided in an accurate, timely, and effective manner to an LEP parent, at no cost to the LEP parent.

"Limited English proficient parent" or "LEP parent" means an individual (i) who is the parent of a student enrolled or preparing to enroll in a public elementary or secondary school; (ii) who either (a) was not born in the United States or whose native language is a language other than English; (b) is a Native American or Alaska Native or a native resident of one of the outlying areas of the United States and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (c) is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (iii) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the opportunity to participate fully in society, including to deny the individual the opportunity to participate fully in decisions relating to his child's education or to effectively communicate with the school about his child's education.

"Native language," with respect to an LEP parent, means the language normally used by such individual.

"Vital documents" means documents that (i) create or define legally enforceable rights or obligations, (ii) solicit information necessary to establish or maintain eligibility for educational programs or services, or (iii) are necessary for a parent to make informed decisions relating to his child's education. "Vital documents" includes enrollment forms, disciplinary notices, student codes of conduct, individualized education program documents, and information relating to rights of appeal.

B. Each school board shall develop, implement, and post in a publicly accessible location on its website a language access plan consisting of policies and procedures designed to ensure meaningful communication with and informational accessibility for LEP parents, in a language understandable to such LEP parents. Such language access plan shall include policies and procedures for:

1. Ensuring LEP parents are notified as adequately as non-LEP parents of any essential information about any program, service, or activity provided or sponsored by the Board, the school board, or a public school within the applicable school division, including information relating to (i) language assistance programs; (ii) special education and related services; (iii) IEP meetings; (iv) grievance procedures; (v) notices of nondiscrimination; (vi) student discipline policies and procedures; (vii) registration and enrollment; (viii) report cards; (ix) requests for parental permission for student participation in division or school activities; (x) parent teacher conferences; (xi) parent handbooks; and (xii) any available courses of instruction or academic program options, including gifted and talented programs and magnet and charter schools;

2. Identifying each LEP parent at the enrollment of such parent's child, or as soon as possible thereafter, and determining and maintaining records of the language needs and preferred language for communication of each identified LEP parent;

3. Providing to each LEP parent language assistance services to ensure meaningful access to all school and school division-level communications, including relevant meetings, notices, and electronic communications, which shall (i) include providing, in situations where written translation into a language understandable or preferred by an LEP parent is not feasible or immediate communication is necessary, oral interpretation services for an LEP parent in a language understandable to or preferred by such LEP parent; (ii) be provided by the school board and at no cost to the LEP parent; and (iii) be provided in an accurate, timely, and efficient manner to ensure no LEP parent is required to rely on the student or any of the parent's other children, family members, or untrained school board employees to interpret or translate for education-related purposes. In providing language assistance services pursuant to this subdivision, each school board may use, when necessary to ensure meaningful access to all school and school division-level

60 communications, research-based language access technology, including digital platforms and remote
61 interpretation tools, provided that any such research-based language access technology is accurate, utilized
62 in a timely and effective manner, if deemed appropriate by the school board, and supplemented by qualified
63 human interpretation;

64 4. Translating all vital documents into the languages most commonly spoken by the LEP parents in the
65 school division, as determined annually based on each LEP parent identified and the language needs and
66 preferences of each LEP parent identified pursuant to subdivision 2;

67 5. Providing training to all school board employees whose duties, as determined by the school board, are
68 relevant to or involve communication with LEP parents on the requirements of this section with respect to
69 LEP parents and the processes and procedures for obtaining interpretation or translation services in
70 accordance with this section; and

71 6. Posting in a prominent and publicly accessible location on such school board's website information
72 relating to language and communication accessibility for LEP parents, including information on the rights of
73 LEP parents, the corresponding obligations of the school board to LEP parents under this section, and any
74 language assistance services available to LEP parents under this section and clear, easily understandable
75 instructions for accessing such language assistance services.

76 C. In implementing the language access plan pursuant to subsection B, each school board may fulfill the
77 requirements and provide the services required pursuant to subsection B through contracts, cooperative
78 procurement agreements, or statewide or regional service arrangements, including telephonic or video
79 remote interpretation and centralized translation services. Each school board shall provide language
80 assistance services required pursuant to subsection B in a manner consistent with the Standards of Quality
81 but shall be afforded discretion in selecting cost-effective service delivery models that meet the specific needs
82 of the limited English proficient population in its school division.

83 **2. That the provisions of this act shall become effective on July 1, 2027.**