

Washington State Judicial Branch

2023-25 Biennial Budget

Support Language Access Planning

Agency: Administrative Office of the Courts

Decision Package Code/Title: S2 – Support Language Access Planning

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 2.0 FTEs and \$589,200 in ongoing funding to fully implement meaningful language access throughout Washington State courts. This proposal will improve the courts' response to Limited English Proficient and deaf and hard of hearing individuals by supporting courts through technical assistance, resource development, education, coordination of peer learning, and timely reimbursement for courts to enhance language access for all Washingtonians. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	2.00	2.00	2.00	2.00	2.00	2.00
Operating Expenditures						
Fund 001-1	\$299,400	\$289,800	\$589,200	\$289,800	\$289,800	\$579,600
Total Expenditures						
	\$299,400	\$289,800	\$589,200	\$289,800	\$289,800	\$579,600

Package Description:

The Language Access Interpreter Reimbursement Program (LAIRP) was created in 2008 to “provide equal access to the courts for non-English speaking persons by ensuring professional interpreters are provided in all languages in all levels of court.”¹ In 2019, the Board for Judicial Administration (BJA) and Administrative Office of the Courts (AOC) were successful in obtaining a significant increase in funding to bring new courts into the program. The number of participant courts has increased from 33 contracted courts in FY18 to 101 courts in FY22 (about 30 percent of all 341 courts). Over half of all Superior Courts in Washington State are now participating in the program, with a heavy focus on rural courts. The program has a goal of serving all courts in Washington.

The LAIRP is currently supported by only two AOC staff, 1.0 FTE Court Program Specialist, who is the sole administrator and project manager for the entire program, and 1.0 FTE Senior Web Developer, who focuses on building and maintaining the web application for the program. While support for the web application has been sufficient, the programmatic level of staffing is insufficient to cover all program tasks, which include: communications with all participant courts, managing funding and contracts, processing invoices, collecting and analyzing data submitted by courts, developing education and resources about the program, and partnering with web staff on development and ongoing functionality of the new web- based application. The sheer volume of participant court inquiries following the launch of the new application was, in itself, a full-time job for the existing programmatic staff person, pushing other programmatic tasks to the backburner and causing significant delay to the courts in the program.

¹ House Bill 2176 Report – An act relating to interpreter services.

An additional problem is the lack of staff capacity to support courts with development and use of their Language Access Plans (LAPs). RCW 2.43.090 requires each trial court in the state to develop a written language assistance plan “to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters.” Courts participating in the LAIRP are required to have their plans approved by the Interpreter Commission. Although the Commission produced an LAP desk book which includes a template plan, it has become clear that courts need more technical assistance than AOC staff currently have capacity to provide. Specifically, courts need help making their LAPs responsive to their communities’ needs so that they provide meaningful access to the court for Limited English Proficient (LEP) people and those who are deaf and hard of hearing.

When the original Language Access Interpreter Reimbursement Program was created in 2008, the AOC had a staff position that was responsible for providing technical assistance to courts on their Language Access Plans. Due to 2008-2009 budget cuts, this position no longer exists. The position of Language Access Plan Program Coordinator should be reinstated as it is an essential function of the LAIRP. Having a dedicated staff person who can work directly with courts in Washington to support their compliance with that requirement, and most importantly, provide meaningful language access throughout Washington State courts is essential.

In addition, a new Court Program Assistant position should be added to support the LAIRP and other groups within the AOC’s Commissions team focused on language access. This court program assistant would be dedicated to supporting the staff on the team who work on language access issues, including: LAIRP program staff, Interpreter Commission staff, Interpreter Program staff, and the proposed LAP Program Coordinator position.

Fully describe and quantify expected impacts on state residents and specific populations served:

This decision package would impact Washingtonians who have Limited English Proficiency (LEP) and those who are deaf and hard of hearing. Approximately eight percent of Washington's total population is considered Limited English Proficiency (LEP), approximately 488,800 Washingtonians, and about four percent are deaf and hard of hearing, approximately 254,619 Washingtonians. Every courthouse in Washington State has served, will serve, or currently is serving people from the LEP and deaf and hard of hearing community.

This decision package would ensure that courts have the support they need to serve these communities well, including: technical assistance, education from experts about emerging issues and innovative solutions, development of new resources, coordinating peer learning amongst courts, and timely processing of invoices for courts participating in the LAIRP.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

This year, AOC contracted with an independent consultant to review the courts’ LAPs and provide feedback. Due to limited time and funding, the consultant was not able to work with all program courts or provide the level of assistance all courts needed. The remaining tasks fell on staff, who did not have capacity in light of existing job duties. In addition, hiring a contractor required staff time to find a person with expertise, negotiate terms, ensure deliverables were met, and serve as the liaison between the contractor and program courts. The review of LAPs is a task that needs to happen on an annual basis. Hiring a permanent staff position is the most efficient and effective solution.

What are the consequences of not funding this request?

If this request is not funded, courts will have insufficient support for developing and implementing their Language Access Plans to adequately serve LEP persons and persons who are deaf and hard of hearing. In addition, LAIRP courts will continue to experience delays with the administrative functions of the program due to insufficient staff capacity. For example, current staffing levels do not allow for timely analysis of data submitted by over 100 courts, which is required to ensure reimbursement requests meets contractual requirements for distribution of funds.

Is this an expansion or alteration of a current program or service?

This would be an expansion of current programming that the Washington State Administrative Office of the Courts (AOC) provides to support the trial courts in ensuring high quality interpreter services and access to the courts for LEP individuals and deaf and hard of hearing individuals.

Current programs include the Court Interpreter Program that oversees the training and testing of certified and registered spoken language interpreters. The Language Access Interpreter Reimbursement Program (LAIRP) that channels state funding to trial courts for the provision of interpreter services, and the Interpreter Commission that focuses its work on identifying policy and programming to support the courts in providing access to persons who are Limited English Proficient and deaf and hard of hearing.

As noted above, the AOC previously had a staff position responsible for providing technical assistance to courts on their Language Access Plans, which was eliminated due to 2008-2009 budget cuts. This request proposes to reinstate this position, which is even more critical now due to the expansion of the LAIRP. In addition, it proposes to add a court program assistant to provide administrative and program support to that position and the three staff coordinating the above programs. The expansion of the AOC's critical work on equity issues has resulted in an unmanageable workload for the only assistant position on the Supreme Court Commissions team.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Court Program Analyst. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to provide technical assistance to courts on their Language Access Plans (LAPs) to support their compliance with RCW 2.43.090, develop LAP templates and other resources, update and maintain the LAP Deskbook with statutory changes and evolving best practices, develop and facilitate education for courts about providing language access to court customers, and coordinate court work groups on related practices.

Court Program Assistant. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to review data submitted by courts through the Language Access Interpreter Reimbursement Program (LAIRP) web application, assist with coordination of contracts for the 100+ courts participating in the LAIRP, track interpreter reimbursements to courts, assist with responding to court inquiries about the LAIRP, and provide administrative staff support to the Interpreter Commission, Interpreter Program, LAIRP, and related committees and programs dedicated to improving language access in Washington courts.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A Salaries and Wages	166,600	166,600	166,600	166,600	166,600	166,600
B Employee Benefits	53,100	53,100	53,100	53,100	53,100	53,100
E Goods and Services	7,600	7,600	7,600	7,600	7,600	7,600
G Travel	5,000	5,000	5,000	5,000	5,000	5,000
J Capital Outlays	12,800	3,200	3,200	3,200	3,200	3,200
T Intra-Agency Reimbursements	54,300	54,300	54,300	54,300	54,300	54,300
Total Objects	299,400	289,800	289,800	289,800	289,800	289,800

Administrative Office of the Courts
Policy Level – S2 – Support Language Access Planning

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
COURT PROGRAM ASSISTANT	75,100	1.00	1.00	1.00	1.00	1.00	1.00
COURT PROGRAM ANALYST	91,500	1.00	1.00	1.00	1.00	1.00	1.00
Total FTEs		2.00	2.00	2.00	2.00	2.00	2.00

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

This package directly advances two Judicial Branch policy objectives: Fair and Effective Administration of Justice and Accessibility. This package supports these objectives by ensuring people of different cultures and backgrounds, including those who are LEP or deaf and hard of hearing, will be treated fairly and with respect. Having an approved Language Access Plan in place promotes efficiency and effectiveness in court proceedings and helps ensure equal access to justice for LEP and deaf and hard of hearing individuals.

Are there impacts to other governmental entities?

This package would impact trial and appellate courts by providing technical assistance and expert education about Language Access Plans. It would result in the development of innovative materials courts could use to improve their services to LEP and deaf and hard of hearing communities. In addition, it would greatly improve the timeliness of completing administrative tasks related to the LAIRP, which will allow courts to receive their reimbursement funds sooner. We have heard directly from many trial courts over the course of the last year that they need more from us, and this package would allow us to meet their needs. The Administrative Office of the Courts expects that the courts will support this package. We also expect that court entities focused on other equity issues will support this proposal.

Stakeholder response:

Credentialed Court Interpreters
Members of the Legal Aid and Access to Justice Community
Washington State Coalition for Language Access
Persons who are Limited English Proficient
Persons who are Deaf and Hard of Hearing
Advocates of Immigrant and Refugee Populations

The Administrative Office of the Courts anticipates that these stakeholders will be supportive of this package as it will allow courts to better serve their LEP and deaf and hard of hearing community members.

Are there legal or administrative mandates that require this package to be funded?

RCW 2.43.090 requires that all trial courts must develop written language assistance plans. This budget package requests funding to help courts meet that requirement.

Does current law need to be changed to successfully implement this package?

No changes to current law are required to successfully implement this package.

Are there impacts to state facilities?

This request does not impact any state facilities.

Are there other supporting materials that strengthen the case for this request?

Not applicable

Are there information technology impacts?

There are no information technology impacts related to this request.

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