



FEDERATION FOR CHILDREN
WITH SPECIAL NEEDS

Family FACTS on Special Education

A publication of the Parent Training and Information Center

Language Access

What is language access?



Language Access provides parents whose primary language is not English with two primary services in their native language: oral interpretation and written translation. Oral interpretation can be accessed in-person or via telephone using qualified interpreters at any meeting with the student's IEP Team. Written translation is rendered when something written in English is changed into another language that has meaning equivalent to that of the original.

In which situations should I expect the school to provide an interpreter?

The school has an obligation to provide an interpreter at all meetings or exchanges between the parents and the school district, including but not limited to IEP meetings, parent/teacher conferences, meetings with the principal over suspensions, meetings with the school nurse, mediation sessions, resolution sessions, and due process hearings.

Who is qualified to help you as an interpreter?

A qualified interpreter is a professional who is fully bilingual and has received interpreter training. An interpreter should be impartial when

interpreting. Schools should avoid using staff, family members, children, friends, and untrained volunteers as interpreters because it is difficult to ensure that they interpret accurately, and also to avoid ethical conflicts or the appearance of such conflicts. Having a competent interpreter will also increase effective communication between parents and school districts.

What can I do if the interpreter is not qualified?

If an interpreter tries to tell the parent what to do or say, appears to leave out information parent has said, fails to interpret what others in the meeting have said, and/or acts unprofessionally in any way, the parent has the right to stop the meeting and request another meeting with a qualified interpreter.

Why is access to your child's documents in your native language important?

It is critical for the parent to have access to his/her student's documents in the parent's native language so they can fully understand and meaningfully participate in the process as key team members.

What documents can I expect to receive in my native language?

Though the law does not specify which documents must be translated, schools are obligated to translate all vital documents concerning a student's special education program including, but not limited to, the following:

- invitations to IEP meetings and other meeting notices
- consent forms for evaluations
- evaluation reports
- Individualized Education Programs (IEPs)
- report cards/progress reports
- procedural safeguard notices
- mediation agreements
- resolution agreements

What should I do if the translated materials sent to me are not understandable?

The parent should contact the school right away to request that the materials be re-translated. The parent can request a meeting with an interpreter to go through the documents carefully. The parent should not sign off on any paperwork that he or she does not fully understand and accept.

When can I expect to receive translated materials?

The parent should: (1) request in writing that copies of all evaluations be given in the parent's native language at least 48 hours before the IEP meeting; and (2) follow up with the school regarding the translated IEP 30 days after the date of the IEP meeting, if parent still has not received the IEP in his/her native language.

How will my child's school know that I am limited English proficient (LEP)?

The school district is required to develop and implement procedures for determining which parents are LEP and what their language needs are so that an appropriate language access plan can be developed to facilitate meaningful communication between the school and LEP parents.

Note: Parents who need other modes of communication, such as American Sign Language (ASL) or Braille, have the same rights as LEP parents. School districts have an obligation to provide language access to facilitate meaningful communication with all parents.

Resources on Language Access

If parents have questions or concerns about the school's compliance with these requirements, contact:

Federation for Children with Special Needs at 617-236-7210, ext. 358 for Chinese; ext. 329 for Portuguese; ext. 330 for Spanish; and ext. 328 for Vietnamese.

Massachusetts Law Reform Institute at 617-357-0700, ext. 250 for Spanish.

Office of Civil Rights guidance on school districts' obligations to English language learner students and limited English proficient parents is available at: www2.ed.gov/about/offices/list/ocr/ellresources.html