



## ♥ Ensuring a Place at the Table for Every Family

March 27, 2023

Montserrat Garibay, Acting Assistant Deputy Secretary  
Director, Office of English Language Acquisition  
U.S. Department of Education  
Washington, DC 20002

RE: Use of interpreters and translators in educational settings

Dear Director Garibay:

On behalf of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), we wish to thank the US Department of Education (the Department) for its continued efforts to ensure equity for all students, including those who themselves or whose parents have limited English proficiency (LEP). National PLACE and our 70 local, state and national member organizations are committed to ensuring that families and family-led organizations are at the table when decisions regarding children and families are being made, and that our voices meaningfully influence those decisions. Our members are parent-led, family-serving organizations including Parent Centers (Parent Training and Information Centers and Community Parent Resource Centers), Family to Family Health Information Centers, Federation of Families for Children's Mental Health chapters, and Parent to Parent USA affiliates, among others. Most of our members provide information, training and support to families of children, especially those who face the greatest challenges due to disability, mental health challenges, poverty, discrimination based on race/ethnicity, and language barriers. Our comments are based on the direct experience of our members in serving children and families who are LEP.

### **Standards and Practices**

1. What are the standards and practices used for selecting interpreters and translators?

In our members' experience, there are no consistent standards or practices used for selecting interpreters or translators in educational settings. In fact, many of the LEP families we serve are not provided with interpreters or translated information. They do not receive information in their own

language whether in writing or verbally. And if there is an interpreter present at meetings or discussions between families and school staff, it is frequently an unqualified staff person such as a janitor, security guard, cafeteria worker, or other staff person who has neither the substantive knowledge of education issues nor true bilingual capacity, even though they are often interpreting educational terms of art.

2. What technical support activities related to interpretation and translation can you identify and share? Are they consistent across the State or districts?

Our members often use services such as the language line in order to be able to provide information and support to parents who speak languages not spoken by their own staff. An effective strategy that they use is to provide informal training about educational terms of art to specific interpreters and then request those specific interpreters on a routine basis. In terms of translation, many of our members routinely ask bilingual families to review translated materials before they are finalized and disseminated to ensure that the professionally-done translations are understandable by a parent. Our members do not perceive that there are effective technical support activities related to interpretation and translation that are provided by state lead agencies, nor do they perceive that there are consistent technical support activities across their State or districts with which they work.

3. Under what circumstances are interpreter and translator services utilized? What types of tasks, activities, or situations are interpreter and translator services used for?

As noted above, our members report that the families with whom they work frequently tell them that interpreter and translator services are seldom utilized. They do not receive information about student services, parent-teacher conferences, curriculum, evaluations, test scores, report cards, Individualized Education Programs (IEPs), or school programs in their own language – even when that language is Spanish and they live in districts with significant (sometimes even majority) Spanish-speaking families. And when they attend school events, including meetings such as parent-teacher conferences and IEP meetings, there is either no interpreter or an incompetent one. In fact, when our members send bilingual staff to meetings to accompany parents, they routinely hear interpreters misinterpreting the conversation, depriving parents of the information they need to be effective partners with professionals and make good decisions for their children.

4. How are interpreters and translators staffed by the school or program? Are they permanent employees who are either on-site or available as needed, or are they acquired through a service contract and available on demand?

Again, as noted above, it is the experience of our members that interpreters are neither permanent employees who are on-site or available as needed, nor are they contractors available on demand. These services are far too frequently not available at all to families who need them..

5. How are these services funded?

If the services are not provided, they are not funded.

6. When and how do districts determine if a translator or interpreter is needed?

Far too frequently, districts determine that a translator or interpreter is needed only when an outside advocacy organization works with the LEP parent to demand such services and provide the legal justification mandating translation or interpretation.

### **Written Policies**

7. What written policies do you rely on regarding interpreter and translator services? What policies, if any, are there on standards or practices at the State or district level?

Our members rely on Title VI of the Civil Rights Act and presidential Executive Order on language access to advocate for parents' access to interpreter and translator services. If there are state standards or practices that are supposed to be followed by districts, those policies are frequently ignored.

8. What research, if any, was used to draft policies and procedures related to interpretation and translation?

Our members are unaware of use of research to draft policies or procedures by states/districts.

9. What training is required for initial certification as well as for maintaining the certification of interpreters and translators?

Again, since our members frequently encounter situations where non-educational personnel such as janitors, cafeteria workers, and security guards are used to interpret at meetings, they are unaware of any training or certification requirements that are in use in school settings.

10. What trainings are provided to school staff or volunteers to facilitate the coordination of interpreter and translator services for families and students?

In our members' experience, none.

### **Data**

11. What data, if any, can you share on the use of interpreters and translators? For example, how often are the services requested by school staff or students, parents, or legal guardians? How are the services categorized? Are the services primarily oral, written or both?

When our members work with LEP parents, they inform them of their right to language access services and how to request them. Prior to this conversation with our members' staff, parents have generally never been informed of their right to language access and thus do not request it.

### **Additional Information**

Our members have supplied the following additional information regarding experiences working with LEP families who need language access services for your consideration.

- Interpreters in educational settings need to know more than the language, they must know the culture. Translators and interpreters need to be culturally competent for each of the target audiences they are working with by developing a thorough understanding of cultural background, awareness and sensitivity in order to effectively communicate messages from the source language to the target language audience. Interpretation does not consist of simply replacing words, it should reflect intentions, word choices, style, and nuances.
- Districts need to consistently assess the language needs of their communities, as well as the effectiveness of their language access services. Districts should have designated staff and offices that families know they can contact for language access. Multilingual family liaisons employed by districts or schools can become trusted bridges for communities, someone to guide LEP families through the school system.
- Parents must feel empowered to request another interpreter if they are having difficulty understanding the current interpreter.
- Schools must prioritize systemically equitable family engagement practices; states and districts must provide guidelines and training so school staff know when and how to use multilingual staff or contract interpreters. There must be education for district staff at all school levels.
- It is critical that district leadership are knowledgeable about the communicative needs of their student's families and avoid making assumptions about English proficiency levels.
- When there is consistent lack of access to professionals and qualified interpreters, LEP parents cannot effectively interact with teachers about their children's daily needs or concerns. They also can not actively be a part of the school community (i.e. back to school nights or parent/teacher conferences).
- LEP families experience discrimination, distrust school staff, and face poorer educational outcomes for their children because they do not feel comfortable asking questions or questioning a professional – and even if they ask questions, they do not understand the answers.
- Families of students with disabilities eligible for services under IDEA (or Section 504) do not get to see their child's IEP in their native language as it is being drafted during the IEP meeting or through the IEP creation process. If districts translate IEPs, they most often do it after they are completed. These parents do not get to be involved in the IEP creation process. This is the same for the parent feedback section of the IEP. This is problematic because the IEP drafting process is intended to be a time for clarification and negotiation, with the parent as a fully participating team member.
- Not everyone who works at a school needs to be an ELL expert, but everyone should be familiar with resources they can access or with which they can connect families.
- It is intolerable that schools sometimes use children to interpret for their parents. This places the child and the family in an untenable position – and also frequently means that the information is not accurate.
- Parents can feel excluded from parts of their children's education because of language barriers.
- Time is important, most meetings are scheduled for an hour but translation takes a lot of time and IEP meetings are rushed or things are missed in translation. Meetings that require a translator should be scheduled for additional time upfront

- Interpreters must do more than repeat the source language’s words in the target language, they must deliver the meaning of those words in a way that makes sense to the audience (for both the parent & professionals).
- School professional should have training on how to effectively work with an interpreter.
- Meaningful inclusion for LEP families should include culturally responsive interpretation and translation, support for families as they navigate the system, and a clear message that the district recognizes language access for families is essential to a child’s education not a supplement to it. Also getting the buy in of the school staff at all levels.

As noted above, the issue of interpretation and translation for LEP parents of students with disabilities is even more complicated – and urgent. This has been the subject of state complaints, class-action lawsuits, and other civil rights litigation for many years. Some of these activities have resulted in significant efforts, such as:

- In 2021, the Illinois State Board of Education passed final rules regarding the provision of interpreters at IEP meetings to support LEP parents. See <https://hlerk.com/isbe-adopts-final-rules-for-qualified-interpreters-at-iep-meetings/>.
- A recent legal settlement requires the Chicago Public Schools to offer translation services to parents of students with disabilities. See <https://chicago.chalkbeat.org/2022/7/1/23190532/language-translation-services-settlement-students-with-disabilities-chicago-public-schools-illinois>.
- The Washington State Legislature recently passed Ch. 107, which requires schools to develop language access plans and more. (Of course, schools are already required to have language access plans under federal language access law.) As noted in a 2016 IDEA administrative complaint filed in Washington State, “Without these language services (interpreting, translating, and sight translating), LEP parents cannot knowledgeably participate in and consent to each of the critical procedural milestones specified in IDEA – identification, eligibility determination, IEP development, or dispute resolution – thereby denying these children a free appropriate public education. See <https://www.seattleschild.com/interpreters-in-schools-new-law-mandates-schools-meet-their-need/>.

We note that National PLACE member The Advocacy Institute conducted interviews with stakeholders from more than 20 states in 2018 to gather input for the 2018 NCD report, [Federal Monitoring and Enforcement of IDEA Compliance](#). Stakeholders included representatives from Parent Training and Information Centers, Protection and Advocacy Agencies, and disability organizations. In every interview, stakeholders raised the issue of significant and ongoing difficulties regarding the provision of language services for LEP parents, despite this not being part of their inquiry. This would appear to be a violation of [34 CFR 300.322\(e\)](#) which states: “The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.” Despite this clear language in the IDEA regulations, far too many parents go through the IEP process with neither interpretation nor translation and thus are not informed members of the IEP team. Any consent they give is not truly consent because they do not understand what they are consenting to – it is not informed consent.

In conclusion, we appreciate the opportunity to comment on the use of interpreters and translators in school settings to ensure language access for LEP families. For any questions or for additional information about this letter, please contact Diana Autin, Executive Director of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), at [dautin@parentsatthetable.org](mailto:dautin@parentsatthetable.org).

Sincerely:

A handwritten signature in black ink that reads "Diana MTK Autin". The signature is written in a cursive, flowing style.

Diana MTK Autin

On behalf of National PLACE