

How Are You Handling Parents Who Might Not Speak English?

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A recent Philadelphia court decision is a welcome reminder for [Barley Snyder](#) client school districts to know what is required of them when it comes to dealing with families where the parents or guardians of a student do not consider English their native language.

A U.S. District Court for the Eastern District of Pennsylvania in Philadelphia recently backed that up when it allowed a suit against the School District of Philadelphia to continue, despite the district's efforts to have it dismissed. The court will decide if the district failed to address the communication needs of limited English proficient parents and children, resulting in violations of the Individuals with Disabilities Education Act (IDEA) and other regulations.

The plaintiffs in the case are looking for the district to provide translation of special education documents, appropriate notice to parents/guardians that non-native speakers are entitled to documents in their native language, bilingual evaluations for students who need them and interpretation services during the Individualized Education Program (IEP) process.

Productive IEP meetings require effective communication between parents, local education agency personnel and other service providers. The primary focus of the procedural safeguards under the IDEA is to ensure meaningful participation for parents throughout the special education process.

Limited English proficiency reflects how well an individual can speak, read, write and comprehend English relative to the standard expected of native speakers of English. Limited English proficient parents include any parent or guardian whose primary language is other than English and who has limited English proficiency in at least one of speaking, listening, reading or writing. The English proficiency of a parent/guardian must be considered independent of his or her child's English proficiency. LEAs are required to develop and implement a process for determining whether parents have limited English proficiency and their language needs in connection with school communications.

When a parent/guardian speaks a language other than English, the responsible LEA is required to take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter if necessary. In addition, the IDEA requires that local education agency officials provide documents, including prior written notice and procedural safeguards, in the parent's native language unless it clearly is not feasible to do so. Evaluations also must be conducted in the student's native language. In addition, the [Office of Special Education Programs](#) (OSEP), in [a 2007 letter](#), indicated that while providing written translations of IEP documents is not required under IDEA, in some circumstances

it may help to show that a parent has been fully informed.

Educators also must comply with [Title VI of the Civil Rights Act of 1964](#), which prohibits discrimination of any kind in public education. Aside from IDEA, Title VI also protects the rights of limited English proficient parents. It requires them to be afforded meaningful access to school programs and activities including information about the availability of free interpretation and translation services for meetings and documents. A January 2015 U.S. Department of Education "[Dear Colleague](#)" letter provided educators with additional guidance in this area.

If you have any additional questions regarding the scope of your responsibility in this area, or if we can provide any assistance as you review your existing policies and procedures, please do not hesitate to contact any of the attorneys in [Barley Snyder's Education Group](#).