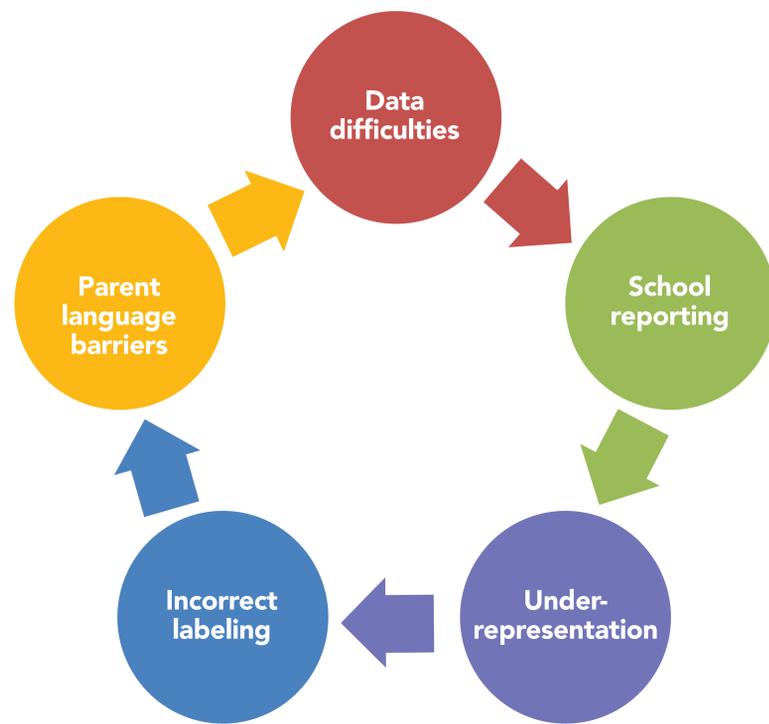


# Providing Parents with Limited English Proficiency with Meaningful Participation in their Child's IEP Development

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## Defining the Problem

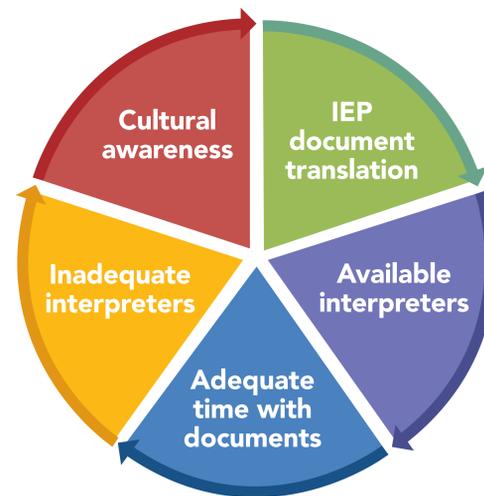
- Specific data regarding limited English proficient (LEP) students who receive special education and related services under the Individuals with Disabilities Education Act (IDEA) is difficult to obtain.
- Schools are not required to report the number of students enrolled in both special education and related services and English learning programs.
- LEP students are underrepresented in special education. Nine percent of LEP students receive special education and related services, compared with a national average of around 13.5 percent of all students.
- Some LEP students are incorrectly labeled as having a learning disability, while others are not identified because of their LEP status.
- Many LEP students also have LEP parents. This language barrier complicates the IEP process and limits the parents' right to meaningfully participate in the development of their child's Individualized Education Program (IEP).



## Meaningful Participation by Parents

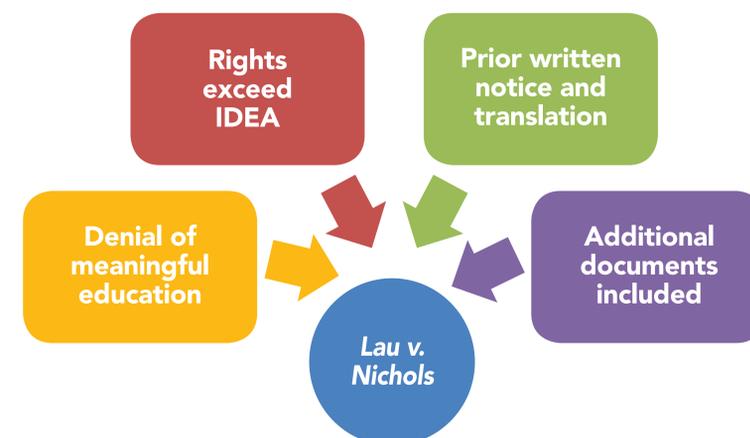
- Parents of students with disabilities have the right to meaningfully participate in the development of their child's IEP.
- As part of the IEP process, parents are provided with prior written notice of any proposed changes to their child's placement, notified of procedural safeguards that the IDEA affords them, and given access to documents and reports that will guide the discussion of what services and supports a child with a disability will receive to provide them access to a free appropriate public education.
- LEP parents are placed at a disadvantage when attempting to meaningfully participate in the development of their child's IEP. Federal regulations require that only prior written notice and procedural safeguards be translated into parents' native language.
- Documents that influence the development of the IEP (i.e., student data records, progress reports, and evaluations) are not required to be translated for LEP parents.
- Meaningful participation may then require an interpreter to help explain the untranslated documents at an IEP meeting, but even an interpreter may not ensure meaningful participation.

- Since many parents do not have access to these documents beforehand, the meeting then focuses on what those documents say instead of how to use the data to inform team decisions.
- Untrained interpreters may not accurately interpret the technical language, and school system interpreters may have inherent bias toward their employer.
- A lack of cultural awareness by school staff can also contribute to parents becoming disheartened, frustrated, or angry with the IEP process.

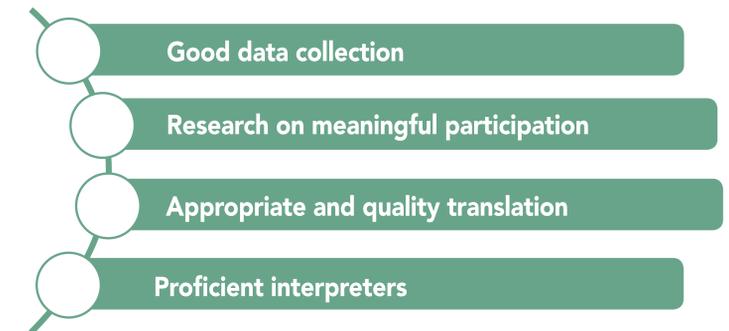


## Legacy of LAU v. NICHOLS

- In 1974, the United States Supreme Court ruled that the San Francisco Unified School District (SFUSD) had violated Title VI of the Civil Rights Act of 1964 by failing to provide Chinese-ancestry students with adequate English instruction, ultimately denying them a meaningful education.
- More than 40 years later, a consent decree continues to provide rights and protections for LEP students and parents within SFUSD.
- These rights and protections exceed those that are required by the IDEA.
- In addition to prior written notice and procedural safeguards, SFUSD must provide LEP parents with both a translated copy of the IEP template at least five days before the IEP meeting and a translated copy of the completed IEP within 10 days of a parent request after the meeting. SFUSD must also interpret or translate special education evaluation reports and assessment materials into the primary language of the student's parents.
- Finally, SFUSD must translate other documents, arising under IDEA or Section 504 of the Rehabilitation Act of 1973, that are provided to parents if they are deemed to contain "essential information."



## Conclusions/Recommendations



- The United States Department of Education and state educational agencies should begin collecting data that identifies the number of students who receive special education and related services and who are enrolled in an English language program.
- Future research should focus on outcomes for English learner students who receive special education and related services under IDEA. Specifically, research should examine how providing LEP parents with translated documents and more meaningful participation affect the student's educational outcomes.
- Local educational agencies should consider taking the following precautions to ensure that LEP parents are able to meaningfully participate in the IEP process:
  - Translate copies of the IEP template or proposed IEP and provide it to parents in advance of the IEP meeting.
  - Translate copies of progress reports and evaluations performed on students into the native language of parents in order to allow parents to form questions and participate in the discussion about their child at the IEP meeting.
  - Translate the IEP after the meeting into the native language of parents so that parents have a meaningful copy for their records.
  - During IEP meetings, provide neutral interpreters who are proficient in both English and the native language of the parents, and who are able to accurately interpret the technical language involved in the special education process.

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