

Translation and Interpretation

Definitions and Terms

- **Interpretation** – The immediate communication of meaning from one language (source language) into another (target language). An interpreter conveys meaning orally.
- **Limited English Proficient (LEP) parents** – Parents or guardians whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing).
- **Translation** – Converting written text from one language to another language.

Interpretation/Translation Requirements

[Section 1703\(f\)](#) of the Equal Educational Opportunities Act states, “No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.” School districts must provide effective language assistance to LEP parents, such as by offering translated materials or a language interpreter. Language assistance must be free and provided by appropriate and competent staff, or through appropriate and competent outside resources.

ESSA 3115(g) states that all services provided to ELs using Title III funds must **supplement, and not supplant**, the services that must be provided to ELs under other Federal, State, and local laws. Under Title III, a supplanting violation occurs when Title III funds are used by a district to provide services it is required to provide under other Federal, State, or local laws. This includes the interpretation and translation services required by Title I, IDEA, and Title VI of the Civil Rights Act.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 explains that LEP parents are entitled to meaningful communication in a language they can understand, such as through translated materials or a language interpreter, and to adequate notice of information about any program, service, or activity that is called to the attention of parents who are proficient in English. According to the Office of Civil Rights, Title VI is violated if parents whose English is limited do not receive school notices and other information in a language they can understand.

At the school and district levels, this essential information includes but is not limited to information regarding:

- registration and enrollment in school and school programs
- language assistance programs
- report cards
- student discipline policies and procedures
- special education and related services, and meetings to discuss special education
- parent-teacher conferences
- grievance procedures and notices of non-discrimination
- parent handbooks

- gifted and talented programs
- magnet and charter schools
- requests for parent permission for student participation in school activities

IDEA

The Individuals with Disabilities in Education Act (IDEA) outlines several situations in which communication with EL parents may require translation or interpretation. Title III funds cannot be used to meet the following requirements:

- **Consent** – The parent has been fully informed of all information relevant to the activity for which consent is sought (for accepting special education services, etc.), in his or her native language, or through another mode of communication. See [34 CFR 300.9](#).
- **Evaluation procedures** – Assessments and other evaluation materials used to assess a child must be provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. See [34 CFR 300.304\(c\)\(1\)\(ii\)](#).
- **Parent participation** – 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. See [34 CFR 300.322\(e\)](#).
- **Prior notice by the public agency** – All parents of a child with a disability are to be provided with written notice before the school proposes to initiate or change the identification, evaluation, or educational placement of the child. This written notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language of the parent is not a written language, the public agency must take steps to ensure that the notice is translated orally. See [34 CFR 300.503\(c\)](#).
- **Notice to parents** – The state educational agency must give notice that is adequate to fully inform parents about their right to confidentiality of personally identifiable information [as required by [34 CFR 300.123](#)] in the native languages of the various population groups of the state. See [34 CFR 300.612](#).

Title I

Title I of the Every Student Succeeds Act (ESSA) states that the following information must be provided “to the extent practicable, in a language parents can understand”:

- Information regarding achievement [ESSA 1111]
- Annual state and local educational agency report cards [ESSA 1111(h)]
- Parents’ Right to Know [ESSA 1112(e)]
- Information in the school’s Title I plan [ESSA 1114(b)(4)]
- Information related to school and parent programs, meetings, and other activities and notification of the district’s parent and family engagement policy. [ESSA 1116(e)(5)]

- Meaningful consultation with parents of Title I participating children on the planning and implementation of parent and family engagement programs, activities, and procedures. [ESSA 1116]
- **Parent notification** – The reasons a child has been identified as an English learner and is in need of a language instruction educational program (LIEP), the child’s level of English proficiency and academic achievement, information about the various program options, and information about a parent’s right to decline to enroll their child in such a program. [ESSA 1112(e)(3)(A)]

Interpreter and Translator Guidelines

- School districts should ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue, and are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.
- It is not sufficient for the staff merely to be bilingual. For example, a staff member who is bilingual may be able to communicate directly with LEP parents in a different language, but may not be competent to interpret in and out of that language, or to translate documents.
- Schools may not rely on or ask students, siblings, friends, or untrained school staff to translate or interpret for parents.

The [Federal Coordination and Compliance Section](#) of the Department of Justice created several resources and guidelines for hiring and using interpreters or translators. The Translation and Interpretation Procurement Series (TIPS) includes the following:

- [Before You Hire – Ask Yourself: “What are my Project’s Language Needs?”](#)
- [TIPS on Hiring the Right Telephonic Interpretation Vendor](#)
- [TIPS for Working with Telephonic Interpreters](#)
- [What Does It Mean to be a Certified Linguist](#)
- [TIPS on Building an Effective Staff Language Service Program](#)

Use of Title III Funds for Interpreters and Translators

Title III funds may be used for supplemental translation and interpretation activities that are not provided by the district/school for all students, and for translation activities that are specific to Title III.

The following examples are provided by the US Department of Education on the use of Title III funds for interpreters and translators:

- **Example:** If the district has a welcome center with staff who are responsible for administering the home language survey to all students and enrolling EL students, it would **not** be appropriate to utilize Title III funds to pay their salaries.
- **Example:** If the district or school has a contract with a translation company that provides translated notices for Federal programs, then *only* the portion of the contract that pertains to Title III notices may be paid for with Title III funds.
- **Example:** If the district or school communicates with **all** parents about their child’s educational progress by mail, it would **not** be appropriate to use Title III funds to pay for the postage for EL

students, as this communication is paid for by the district or school for all students and is not Title III-specific.

- **Example:** If the district or school communicates on a weekly basis with all parents about school activities, it would not be appropriate to use Title III funds to pay for translation or interpretation of these documents or activities, as the district and school are obligated to provide meaningful access to information and services provided. Title III funds could be used to pay for supplemental translation or interpretation.
- **Example:** While planning for parent-teacher conferences, the district has translated the invitation to EL parents and will provide interpreters at the conferences for parents who require them. This would not be an allowable use of Title III funds as Title VI of the Civil Rights Act requires that parents with limited English proficiency receive information from the school/district in a language they can understand.

The ACRE acronym should be used on a case-by-case basis to determine whether Title III funds can be used.

- **A**ll students – What is the instructional program/service provided to all students?
- **C**ivil rights – What does the district do to meet civil rights requirements?
- **R**egulations – What services is the district required to provide according to other federal, state, and local laws or regulations?
- **E**xisted previously – Was the program/service previously provided with state, local, and other federal funds?

Resources

- [Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents webpage](#) (Office of Civil Rights)
- Fact Sheet, [Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs](#) (Jan. 2015)
- Fact Sheet, [Information for Limited English Proficient Parents and for Schools and School Districts that Communicate with Them](#) (Jan. 2015)
- Federal interagency website on limited English proficiency, www.lep.gov
- [Translation and Interpretation for English Learners](#) (April 2011)
- *English Learner Tool Kit*, [Chapter 10: Tools and Resources for Ensuring Meaningful Communication with Limited English Proficient Parents](#) (Nov. 2016)
- [Dear Colleague letter: English Learner Students and Limited English Proficient Parents](#)