

Requirements for Communicating in Parents' Native Language

2024 Bilingual Directors Meeting

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Agenda

- Federal Requirements
 - Every Student Succeeds Act (ESSA)
 - Title VI of the Civil Rights Act of 1964
- State Requirements
 - Qualified Interpreters
 - 23 Illinois Administrative Code 228
 - Illinois School Code ILSC 14C
- Resources
- Q&A

Federal Laws and Regulations



State Laws and Regulations



School district policies

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Federal Laws and Regulations

State Laws and Regulations

School district policies

Federal Requirements

Title VI, Civil Rights Act of 1964

- Prohibits denial of equal access to education because of language minority students' limited proficiency in English.

Title VII of the ESEA of 1968: The Bilingual Education Act

- The first Federal Legislation to recognize the unique needs of English language learners and the need for specialized instruction. It established federal funding for the training of bilingual teachers and bilingual programs.

Equal Educational Opportunity Act of 1974

- Defines denial of equal educational opportunity as “failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program.”

Individuals with Disabilities Education Act (IDEA) of 1975

- Provides for free appropriate public education to eligible children with disabilities throughout the nation.
- Ensures special education and related services to those children

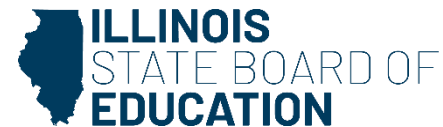
ELs must be able to participate effectively in all programs and content areas.

Federal: The Provision of an Equal Education Opportunity to Limited-English Proficient Students

- Title VI is violated if parents whose English is limited do not receive school notices and other information in a language they can understand.
- In considering whether the EL program is likely to be effective, the Office of Civil Rights (OCR) examines whether a school district ensures that parents who are not proficient in English are provided with appropriate and sufficient information about all school activities.

Federal: Ensuring Meaningful Communication with Limited English Proficient (LEP) Parents

- 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 non-LEP parents.
- Schools must respond to a parent's request for language assistance, even if their children are proficient in English.
- Schools must provide translation and interpretation from appropriate and competent individuals and may not rely on or ask students, siblings, friends, or untrained school staff to translate or interpret for parents.



Federal: Ensuring Meaningful Communication with Limited English Proficient Parents

- Schools must communicate information in a language parents can understand, including information about or related to:
 - Registration and enrollment in school and school programs
 - Language assistance programs
 - Report cards
 - Student discipline policies and procedures
 - Special education and related services
 - Parent-teacher conferences
 - Grievance procedures
 - Parent handbooks
 - Gifted and talented programs, and magnet and charter school options
 - Requests for parent permission for student participation in school activities

*This is not an all-inclusive list

Federal: Every Student Succeeds Act

- The following must be provided in the native language:
- ESSA, Title I, Section 1111(b)(2)(B)(x)
 - Individual assessment reports provided to parents
- ESSA, Title I, Section 1111(h)(2)(B)(ii)
 - Local Education Agency (LEA) Report Cards
- ESSA, Title I, Section 1112(e)(4)
 - The notice of English Learner identification and/or placement in EL program and any other information provided to parents in ESSA Section 1112

Federal: Every Student Succeeds Act

- ESSA, Section 1116(b)(1)
 - School Parent and Family Engagement Policy
- ESSA, Section 1116(d)(2)(D)
 - Requires regular two-way, meaningful communication between family members and school staff be provided
- ESSA, Section 1116(e)(5)
 - Requires schools and LEAs to ensure that information related to school and parent programs, meetings, and other activities sent to parents
- ESSA, Section 1116(f)
 - Requires schools and LEAs, in carrying out the Parent and Family Engagement requirements found in Section 1116, to provide opportunities for informed participation of parents and family members

Federal Laws and Regulations



State Laws and Regulations



School district policies

State Requirements -- Home Language Survey

TITLE 23: EDUCATION AND CULTURAL
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER F: INSTRUCTION FOR SPECIFIC STUDENT GROUPS
PART 228 TRANSITIONAL BILINGUAL INSTRUCTION
SECTION 228.15 IDENTIFICATION OF ELIGIBLE STUDENTS

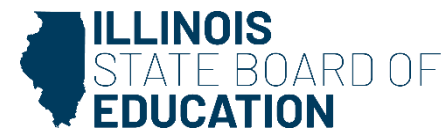
Section 228.15 Identification of Eligible Students

- a) Each school district shall administer a home language survey to each student in preschool, kindergarten or any of grades 1 through 5 in the district's schools or any of the district's preschool programs for the purpose of identifying students who have a language background other than English. The survey should be administered as part of the enrollment process for preschool programs, by the first day the student commences participation in the program. The survey shall include at least the following questions, and the student shall be identified as having a language background other than English if the answer to either question is yes:
 - 1) Whether a language other than English is spoken in the student's home and, if so, which language; and
 - 2) Whether the student speaks a language other than English and, if so, which language.
- b) The home language survey shall be administered in the student's home language.
- c) The home language survey form shall provide space for the date and the signature of the student's parent or legal guardian.
- d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).

English. The survey should be administered as part of the enrollment process or, for preschool programs, by the first day the student commences participation in the program. The survey shall include at least the following questions, and the student shall be identified as having a language background other than English if the answer to either question is yes:

- 1) Whether a language other than English is spoken in the student's home and, if so, which language; and
- 2) Whether the student speaks a language other than English and, if so, which language.
- b) The home language survey shall be administered in English and, if feasible, in the student's home language.
- c) The home language survey form shall provide spaces for the date and the signature of the student's parent or legal guardian.
- d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).

****If feasible, applies to languages that do not have a written language.***



Notice of Enrollment for English Learner Programming

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE

CHAPTER I: STATE

SUBCHAPTER f: INSTRUCTION

PART 228 TRANSITION

SECTION 228.40 STUDENT

Section 228.40 Students' Participation; Records

a) Notice of Enrollment and Withdrawal

- 1) *Notice of Enrollment – No later than 30 days after the beginning of the school year or 14 days after the enrollment of any student in a transitional bilingual education program in the middle of a school year, the school district shall notify by mail the parents or legal guardians of the student that their child has been enrolled in a transitional bilingual education program or a transitional program of instruction. The notice shall be in English and in the home language of the student and shall convey, in simple, nontechnical language, all of the information called for in Section 14C-4 of the School Code [105 ILCS 5/14C-4].*
- 2) *Withdrawal by Parents – Any parent or legal guardian whose child has been enrolled in a program shall have the absolute right to withdraw the child from the program immediately by submitting a written notice of his or her desire to withdraw the child to the school authorities of the school in which the child is enrolled or to the school district in which the child resides. (Section 14C-4 of the School Code)*

- b) Unless terminated as set forth in subsection (a)(2) of this Section, the duration of a student's participation in a program under this Part shall be as set forth in Section 14C-3 of the School Code.

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Report Cards for English Learners

TITLE 23

CHA
SUBCHAPTER f: IN
PART 22
SECTION 2

2) Maintenance of Records and Reporting Procedures

- 1) Report Cards – The school shall send progress reports to parents or legal guardians of students enrolled in programs in the same manner and with the same frequency as progress reports are sent to parents or legal guardians of other students enrolled in the school district.
 - A) Progress reports shall indicate the student's progress in the program and in the general program of instruction.
 - B) Progress reports shall indicate when the student has successfully completed requirements for transition from the program into the general program of instruction if that information has not been reported separately in writing to the parents or legal guardian.
 - C) Progress reports for all students enrolled in a program under this Part shall be written in English and in the student's home language unless a student's parents or legal guardian agrees in writing to waive this requirement. The parents' waiver shall be kept on file in accordance with subsection (c)(3) of this Section.

Federal Laws and Regulations



State Laws and Regulations



School district policies

Per: Ensuring Meaningful Communication with Limited English Proficient Parents

- School districts must develop and implement a process for determining whether parents are non-English proficient and identifying their language needs.
- The process should be designed to identify all non-English proficient parents, including parents and guardians whose primary language is not common in the district or whose children are proficient in English.
- The school's initial inquiry should, of course, be translated into languages that are common in the school and surrounding community so that that the inquiry is designed to reach parents in a language they are likely to understand.

Web-Based Translation

- **“Web-based automated translation”** is called “machine translation” in the Dear Colleague letter:
 - Machine translation is only appropriate if “The translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary.”
 - To ensure the accurate translation of a document using a machine translation: “The school district would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so.”
 - OCR and DOJ caution against using machine translations due to possible inaccurate translation, confidentiality may be at risk of being lost when documents are uploaded without sufficient controls to a web-based translation service and stored in their databases, and exposure of personally identifiable information of a student.

Waivers

- We **strongly discourage** the use of checkboxes for parents waiving the right to receive a report card and/or communication in their native language, as it implies the default is to not provide the report card in the parent's home language and/or communicate in the parent's home language.
- This also shifts the responsibility away from school districts. Such practice can be viewed as coercive and may potentially result in a Title VI violation.

Waivers Continued

Per Ill. Admin. Code title 23, 228.40 (c)(1)(c) for report cards for ELs:
“Progress reports for all students enrolled in a program under this Part **shall be written in English and in the student's home language** unless a student's parents or legal guardian **agrees in writing** to waive this requirement. The parents' waiver shall be kept on file in accordance with subsection (c)(3) of this Section.”

—When a parent of an EL agrees in writing to have the report card in English only, it does not waive the right for all communication in the native language.

The district may include language during registration explaining the process on how a parent can communicate their preference for report cards and other correspondence in English rather than their native language.

Additional Translation Information

- If you have a TBE program in specific languages, a district should have the registration documents translated and readily available at least into those languages.
 - **However, translation is required for all home languages of parents that require it.**

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school and district levels, this essential information includes but is not limited to information regarding: language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options.¹⁰²

School districts must develop and implement a process for determining whether parents are LEP and what their language needs are. The process should be designed to identify all LEP parents, including parents or guardians of children who are proficient in English and parents and guardians whose primary language is not common in the district. For example, a school district may use a student registration form, such as a home language survey, to inquire whether a parent or guardian requires oral and/or written communication in a language other than English. The school's initial inquiry should, of course, be translated into languages that are common in the school and surrounding community so that the inquiry is designed to reach parents in a language they are likely to understand. For LEP parents who speak languages that are less common at a particular school, the school may use a cover page explaining in those languages how a parent may receive oral interpretation of the form and should offer interpreters to ensure parents accurately report their language communication needs on the form. Schools may also use other processes reasonably calculated to identify LEP parents, and should identify the language needs of LEP parents whenever those needs become apparent. It is important for schools to take parents at their word about their communication needs if they request language assistance and to keep in mind that parents can be LEP even if their child is proficient in English.

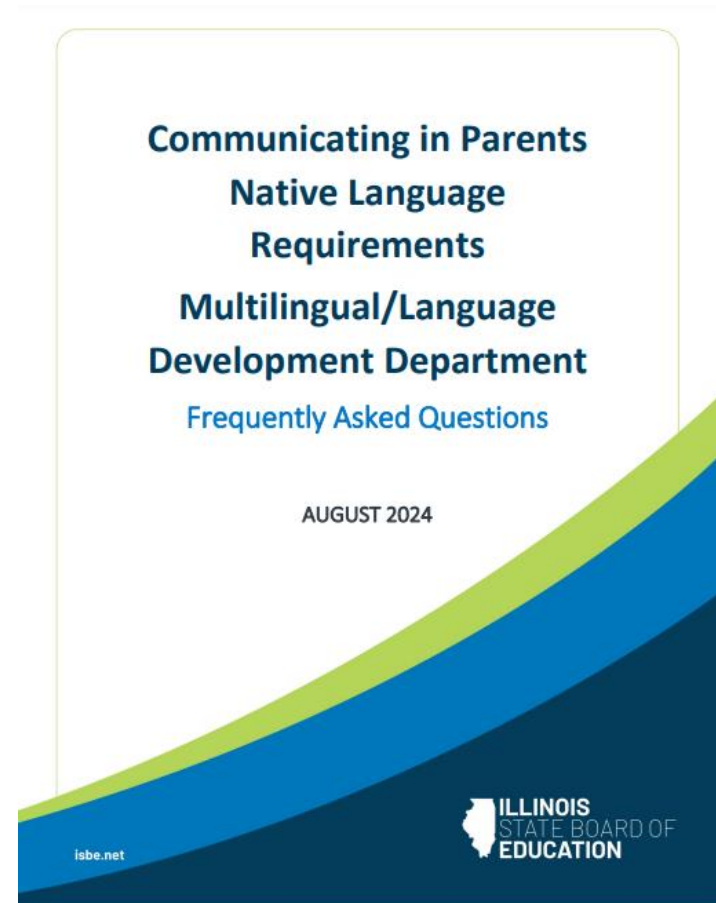
SEAs and school districts must provide language assistance to LEP parents effectively with appropriate, competent staff – or appropriate and competent outside resources.¹⁰³ It is not sufficient for the staff merely to be bilingual. For example, some bilingual staff and community

Guidance from
Dear Colleague
Letter on less
common
languages



Resources

- The Department has observed, in recent monitoring cycles, a rise in school districts not fully complying with requirements regarding communication with parents and guardians of English learners (ELs) and non-English learners whose native language is non-English. The department has addressed this by creating an FAQ document that answers common questions and outlines the requirements specified in 23 Ill. Admin. Code Part 228, Illinois School Code ILSC 14C, and Title VI of the Civil Rights Act of 1964.



Resources

OELA Toolkit

- [Chapter 10: Tools and Resources for Ensuring Meaningful Communication with Limited English Proficient Parents](#)

Webinar

- [Ensuring Meaningful Communication with Parents \(National Convening on ELs' Civil Rights - Day 2\)](#)

Federal Guidance

- [Dear Colleague Letter](#)
- [Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them](#)
- [Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act \(ESEA\), as amended by Every Student Succeeds Act \(ESSA\)](#)

Colorín Colorado

- [Communicating Important Information with ELL Families: Strategies for Success](#)



Questions?

Thank you