

**Communicating in Parents
Native Language
Requirements**

**Multilingual/Language
Development Department**

Frequently Asked Questions

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Introduction

Requirements for communicating with parents and guardians of English learners (ELs) and non-English learners whose native language is non-English to ensure meaningful access to district- and school-related information are specified in 23 Ill. Admin. Code Part 228, Illinois School Code ILSC 14C, and Title VI of the Civil Rights Act of 1964. This applies to any parent or guardian whose primary language is not English and who has limited English proficiency in one of the four domains of language proficiency -- speaking, listening, reading, or writing. The Multilingual/Language Development Department has seen an increase in the number of school districts not fully complying with the requirements in the most recent monitoring cycles. The U.S. Department of Justice (DOJ) Civil Rights Division and U.S. Department of Education Office for Civil Rights (OCR) also have noted these types of violations are among the most common when dealing with Title VI issues.

Registration

1. Does a school district need to administer the Home Language Survey in every language spoken in the district?

Yes, Ill. Admin. Code Title 23, 228.15(b) specifies that the Home Language Survey shall be administered in English and, if feasible, in the student's home language. The Multilingual/Language Development Department interprets "if feasible" to mean any language that has a written language. A district must use oral language translation for languages that don't have a written component and document that oral translation was provided.

2. Does the English learners program notice of enrollment need to be in every language in the district?

Yes, Ill. Admin. Code title 23, 228.40(a)(1) and 105 ILCS 5/14C-4 specify that the notice of enrollment for an English learners program must be in English and in the home language of the student. A district must use oral language translation for languages that don't have a written component and document that oral translation was provided.

3. All our school district registration documents are in English. Do we have to have them all translated?

Yes, a school district should have the registration documents translated into at least the home languages spoken in the school district. Guidance issued by [OCR and DOJ specifies](#), "For LEP [limited English proficiency] 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."

4. Does an English learner's report card need to be in every home language of every EL?

Yes, Ill. Admin. Code title 23, 228.40 (c)(1)(c) specifies that progress reports for all students enrolled in an EL program shall be written in English and in the student's home language unless a student's parents or legal guardian requests in writing to waive this requirement. The parents' request, if any, shall be kept in the student's EL cumulative file.

Translations/Translators

5. May a school ask students or untrained school staff to translate or interpret for parents?

No, guidance issued by [OCR and DOJ](#) indicates that schools must provide translation or 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. 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 parents who are not proficient in English in a different language but may not be competent to interpret in and out of that language or to translate documents. 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. In addition, please see question 11 for specifics on requirements for qualified interpreters per Ill. Admin. Code title 23, 226.15.

6. Must a school provide language assistance if a parent requests it, even if their child is proficient in English and the parent is somewhat proficient in English?

Yes, guidance issued by [OCR and DOJ](#) says schools must respond to a parent's request for language assistance and remember that parents can be non-English proficient even if their child is proficient in English.

7. Does a school have to translate all the information being given to parents?

Yes, guidance issued by [OCR and DOJ](#) specifies that schools must communicate information to non-English proficient parents in a language they can understand about any program, service, or activity that is called to the attention of parents who are proficient in English.

8. Can our district use online automated translation websites to fulfill translator and translation requirements?

Yes, any automated translation would need to be reviewed by an individual qualified to do so. OCR and DOJ refer to these as "web-based automated translation" (also called "machine translation") in their [joint 2015 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.
- Loss of confidentiality. This can happen when documents are uploaded and stored in a data base by a web-based translation service that does not have sufficient controls.
- Exposure of a student's personally identifiable information.

9. Can my district pay for an interpretation/translation system or program with Title III funds?

No, per Section 3115(g) of the Elementary and Secondary Education Act (ESEA), Title III funds cannot be used to fulfill state and/or federal requirements. Doing so is considered supplanting.

10. What supplemental funding can be used to purchase an interpretation/translation system or program?

A district may utilize its EL-Evidence-Based Funding to assist funding interpretation/translation systems or

programs. Also, a district may utilize Title III funding only for supplemental activities listed in Section 3115(d) of the ESEA (e.g., after-school homework help for parents, guest speaker after school, etc.). As noted, all uses of Title III funds must be supplemental; therefore, a Local Education Agency (LEA) may not use Title III funds to meet its obligations under Title VI and the Equal Educational Opportunities Act, including the obligation to provide EL students with a language assistance program that is educationally sound and proven successful and the obligation to ensure meaningful communication with parents who have limited English proficiency.

Special Education

11. Do interpreters in Individualized Education Program (IEP) meetings need to have special training and certification?

Yes, interpreters in IEP meetings need to have special training and a “Qualified Interpreter” certification.. A qualified interpreter is defined by Ill. Admin. Code title 23, 226.15 as school staff member or other personnel who is bilingual and demonstrably qualified and competent to interpret between English and another language, trained in providing the interpretations requested and sufficiently knowledgeable in both languages of any specialized terminology needed, and trained in the ethics of interpretation. The qualified interpreter could be an individual that an LEA) has on staff or an individual the LEA contracts with on an as-needed basis. To become a qualified interpreter, one must complete at least nine hours of training in the following areas:

- Interpreting into and out of English.
- Interpretation standards of practice, sight translation, ethics, and confidentiality.
- Role of the interpreter and role boundaries.
- Respect, impartiality, professionalism, and fundamentals of the effects of cultural differences on effective interpretation, and advocacy for communication.
- Proper and improper interpretation techniques as depicted in video format.
- Interpreter Code of Ethics as adopted by ISBE. Additionally, it is necessary to complete at least six hours of training on special education terminology and protocol, including successful completion of a written examination.

12. Do IEP forms need to be translated?

Yes, this requirement is clearly defined in 34 Code of Federal Regulations, Sections 300.503 and 300.504.

It includes:

- The individualized substance of the document must be translated;
- The translated Parent/Guardian Notification of Conference Recommendations form and other required notice forms must be provided simultaneously with English IEP documents;
- All reasonable efforts must be made to provide the translated IEP within seven school days after the IEP meeting;
- All other vital IEP documents (e.g., Evaluation Reports) must be translated and provided to parents as soon as practicable but no later than 30 school days after the IEP meeting.

Parents are allowed to request the translation of documents not on the Vital Document List that have a vital relation to the child’s educational planning, and school districts must make reasonable efforts to provide the requested translations in a timely manner. All translations must be performed by competent translators as defined in the amended rules. If school districts elect to utilize an automated translation program or application, the results must be reviewed and edited, as needed, by an individual qualified to determine the accuracy of the translation. All translations must be certified to be true and accurate by the translator to the best of the translator’s knowledge or ability. School districts must track and report data through the IEP-Student Tracking and Reporting (I-Star) System, including the number of parent-requested translations; the number of translations provided at the time of the IEP meeting; and the number of translations, by language, provided after the IEP meeting with information about the average number of school days between the IEP meeting and the provision of the translated IEP.

Waivers

13. Can a school district administer a translation waiver form or checkbox during registration?

No. Districts are strongly discouraged from using checkboxes and/or providing a waiver form 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. If a parent wishes communication to be in another language, they should request it in writing or otherwise indicate with a date and a signature.

14. If it is highly advised that a translation waiver and/or report card waiver is not provided during registration, how can a school district determine if a parent needs translation?

School districts must develop and implement a process for determining whether parents are limited English proficient and identifying their language needs. The process should be designed to identify all limited English proficient parents, including parents and guardians whose primary language is not common in the district or whose children are proficient in English. A school district may, for example, use a Home Language Survey to inquire whether a parent requires oral and/or written communication in a language other than English (i.e., when a parent identifies another home language being spoken at home). 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.

Resources

15. What resources are available for school districts to assist in ensuring translations requirements are met?

The following is a list of resources that a school district may use:

ISBE

- [Requirements for Communicating in Parents Native Language](#)

Office of English Language Acquisition

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