



# **Illinois State Board of Education**

## **Policy & Procedure**

### **Qualified Interpretation and Translation Services in Mediation and Due Process Hearings**

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the Illinois State Board of Education.

**March 2024**

It shall be the policy of the Illinois State Board of Education (ISBE) to ensure meaningful access to State-Sponsored Mediations and Special Education Due Process Hearings for parents and students regardless of whether their primary spoken and written language is English. To this end, ISBE sets forth the following:

### **I. Vital Dispute Resolution Document Translation**

In order to facilitate access to such proceedings, ISBE will provide translations of vital documents in the preferred language of the parent (or student 18 years of age or older). Vital dispute resolution documents include:

#### Mediation Documents

- a) Request to Mediate<sup>1</sup>
- b) Rules of Mediation
- c) Notice of Appointed Mediator
- d) Notice of Scheduled Mediation (including Notices of Rescheduling)
- e) Preliminary Mediation Agreements (Agreement to Exclude Mediator from Due Process Proceedings, Agreement to Exclude Mediation Discussions in Due Process Proceedings)
- f) Mediation Agreement (prior to parties' signatures)

#### Due Process Proceedings Documents

- a) Parent Request for Due Process Hearing<sup>2</sup>
- b) District Request for Due Process Hearing *if applicable*
- c) Notice of Hearing Officer Appointment
- d) Preliminary Order(s)
- e) Rights of the Parties Related to Hearings
- f) Resolution Meeting Form
- g) Notice of Status Meeting
- h) Notice of Motion Hearing
- i) Continuance Notices and Orders
- j) Status, Motion, Dismissal, and Withdrawal Orders
- k) Notice of Prehearing Conference
- l) Prehearing Conference disclosures (provided by the school district no later than one day before the PHC)
- m) Prehearing Conference Report and Order
- n) Notice of Hearing Date(s)
- o) Hearing disclosures (provided by the school district no later than 5 days prior to the hearing)
- p) Due Process Hearing Decision and Order (within 30 days of the English version)

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<sup>1</sup> This is available on the ISBE website in the most common languages as determined from state-wide data.

<sup>2</sup> This is available on the ISBE website in the most common languages as determined from state-wide data.

## II. Provision of Translation Services

To further facilitate the participation of parents who require competent translation of dispute resolution documents, ISBE shall provide notice describing:

- a) Specific documents that shall be translated (as listed above in Section I.).
- b) The process by which parents may request written translation of documents not listed in Section I. but are relevant to their child's dispute resolution matter.
  - i. Documents created by ISBE employees will be translated and provided by ISBE as soon as practicable, but no later than 30 days of the request.
  - ii. Documents generated by the school district or other entity will be translated and provided to the parent as soon as practicable, but no later than 30 days of the request.
  - iii. If the 30<sup>th</sup> day falls on a weekend or a State or Federal holiday, documents will be provided on the next business day.
- c) The identity of the person a parent may contact with questions or complaints about translation services.

Said notice will be provided separate and apart from the standard information provided to parents and in conjunction with the ISBE Notice of Hearing Officer Appointment. Notice shall be provided in English, in all Common Languages<sup>3</sup>, and in the parent's preferred language<sup>4</sup> if known and practicable.

## III. Competent Translators

To ensure that written translations are an accurate representation of special education terminology and concepts, the following individuals will provide written translations of vital documents:

- a) Translators who have undergone sufficient professional training regarding special education terminology and processes;
- b) Translators secured by outside vendors that are commercially recognized as providing competent translation services; or,
- c) An automated translation program or application (e.g., Google Translate), provided that the results are reviewed by an individual qualified to determine the accuracy of the translation; results shall be edited accordingly, if necessary.

In all cases, the translator (or editor in the case of subsection (c)) shall affix a statement of assurance attesting to the accuracy of the translation to best of the person's knowledge and ability.

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<sup>3</sup> As defined in 23 IAC 226.75.

<sup>4</sup> As defined in 23 IAC 226.75.

#### **IV. Provision of Interpretation Services**

School districts shall provide quality Interpretation services by impartial and competent interpreters throughout the dispute resolution process. Interpretation services shall be provided for one or more parent (or student) who:

- a) Requests interpretation services;
- b) Has previously requested interpretation services; or,
- c) Has otherwise indicated that they require interpretation services in order to meaningfully participate in the IEP process or the dispute resolution process.

ISBE shall provide notice to all persons who have requested mediation or a due process hearing regarding:

- a) The availability of interpretation services throughout the dispute resolution process;
- b) How to request interpretation services; and,
- c) The identity of who to contact if a parent has questions or complaints about the services.

The notice will be provided in English, in all Common Languages<sup>5</sup> and in the parent's preferred language<sup>6</sup> if known and practicable.

#### **V. Qualified Interpreters**

School districts must provide interpreters for the dispute resolutions proceedings. All interpreters shall be Qualified Interpreters<sup>7</sup> or, if a Qualified Interpreter is not available, an outside vendor that is commercially recognized as providing competent interpretation services may be used. Interpreters must be neutral and impartial and, under no circumstances, be a member of the student's IEP team or affiliated with the student's school.

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<sup>5</sup> As defined in 23 IAC 226.75.

<sup>6</sup> As defined in 23 IAC 226.75

<sup>7</sup> As defined in 23 IAC 226.75 and 226.800(k)