
Interpretation and Translation in the Special Education Process:

School District Obligations and the Rights of LEP Parents

New Jersey special education regulations at N.J.A.C. 6A:14-2.4(a)(1) require that, in most instances, written notices to parents shall be provided and parent conferences shall be conducted in the language used for communication by the parent and that foreign language interpreters or translators shall be provided by the district at no cost to the parent. School districts also have independent responsibilities under federal laws (Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, as well as the Individuals with Disabilities Education Act) to provide Limited English Proficient (LEP) parents of children with disabilities meaningful access to information and participation in the special education process through timely and complete written translation and oral interpretation.

School districts must provide effective language assistance to LEP parents through appropriate and competent interpreters and translators. The use of bilingual district staff may not be sufficient if the staff lacks training in interpretation and translation and/or knowledge of specialized terms. While some bilingual staff may be able to communicate directly with LEP parents in a different language, they may not be competent to interpret in and out of English (e.g., consecutive or simultaneous interpreting), 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. In addition, school districts should ensure that interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. And, to maintain impartiality, the interpreter should not be a member of the IEP team or directly involved in the student's educational program. Many school districts hire professional interpreters to meet these obligations.

Both federal and state special education law require districts to provide LEP parents with written translations of special education notices, such as meeting invitations, descriptions of district actions proposed or denied (related to a student's special education program), and explanations of parents' and guardians' procedural safeguards.¹ Furthermore, under Title VI, all vital documents must be accessible to LEP parents, including documents related to special education. A student's Individualized Education Program (IEP) and related evaluation reports are critical to parents' and guardians' understanding of their children's disability classifications, educational placement, and progress, as well as recommendations from the district. School districts can purchase IEP software that offers a translation feature. While these programs can significantly aid the district in providing translated documents, it is important to note that machine-generated translations should be reviewed for accuracy by an individual with appropriate knowledge and training.

The provision of both oral interpretation and written translation services that are appropriate and competent is required not only to provide meaningful access to information and participation in the special education process, but also to secure informed parental consent whenever that consent is required. Consent, by definition, cannot occur unless parents are fully informed in their native language or other mode of communication of all information relevant to any activity for which consent is being sought.²

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¹ 20 U.S.C. § 1415(b)(4); 34 C.F.R. § 300.503(c); N.J.A.C. 6A:14-2.3(g), 2.4(a)

² N.J.A.C. 6A:14-1.3, *see also* 20 U.S.C. § 1414(a)(1)(D)(i)(II); 34 C.F.R. § 300.9(a)