



SUPERINTENDENT OF PUBLIC INSTRUCTION

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BULLETIN NO. 021-13 EQUITY AND CIVIL RIGHTS / MIGRANT, BILINGUAL AND NATIVE EDUCATION

TO: Educational Service District Superintendents
School District Superintendents
School Building Principals
School District Civil Rights Compliance Coordinators

FROM: Randy I. Dorn, State Superintendent of Public Instruction

RE: Civil Rights Requirements to Provide Interpretation and Translation Services for Parents and Guardians with Limited English Proficiency

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This bulletin provides information to school districts about their obligation to provide interpretation and translation services to parents and guardians with limited English proficiency. It also clarifies guidance about this issue provided in the Office of Superintendent of Public Instruction's (OSPI) Civil Rights Guidelines: Prohibiting Discrimination in Washington Public Schools, published in February 2012: <http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx>.

Civil Rights Language Access Requirements

State and federal civil rights laws, including Title VI of the Civil Rights Act of 1964 and Chapter [28A.642](#) of the Revised Code of Washington (RCW), prohibit discrimination in Washington public schools on the basis of national origin.

Under these laws, school districts must communicate vital information to *all* limited English proficient parents and guardians in a language they can understand, to allow them to make well-informed decisions about their child's education. This often requires the use of translated documents, as well as in-person or telephonic interpreters. Failure to provide appropriate language access services for limited English proficient individuals may violate federal and state laws as a form of national origin discrimination.

Even if a school district does not receive funds through Title III or the Transitional Bilingual Instructional Program (TBIP), services for limited English proficient students, parents, and guardians are required by state and federal civil rights laws. It is important to recognize that not all limited English proficient parents have children enrolled in TBIP or Title III programs.

Language Access Services Required for Vital Communications

School districts must provide *vital communications* in a language that a parent or guardian can understand. Vital communications include written and oral communications that contain information that is critical for accessing educational programs and opportunities, or is required by law. This also includes communications that could have negative consequences for a student's education if the information is not provided in an accurate or timely manner.

Vital *oral* communications that require an adult interpreter may include, but are not limited to, parent-teacher conferences, special education meetings, and meetings regarding student discipline.¹ Vital *written* communications that require written translations may include, but are not limited to, program information and applications,

¹ School districts should never use children or family members to serve as interpreters for vital communications.

discipline notices, consent forms, complaint forms, notices of rights, and letters or notices that require a response.²

To ensure compliance with these requirements, school districts should develop a process to identify the language needs of its parents and guardians, such as a home language survey. School districts should also inform district and building staff on how to access and coordinate translation and interpreter services when needed.

Addressing the Costs of Language Access Services

In most cases, interpretation and translation services are a general education responsibility when such services are related to a school district's core instructional services under the Basic Education Act (BEA) and general operational/administrative protocols and requirements.

If, however, interpretation or translation services are used for specific programs, school districts may be able to utilize program-specific funding for such services. For example, interpretation and translation costs that are directly related to parent involvement requirements under Elementary and Secondary Education Act (ESEA) programs are generally allowable charges to those programs. The costs of interpretation and translation services that accommodate and facilitate parent outreach requirements under ESEA programs, for example, could also be paid with program-specific funding.

OSPI Monitoring

As a reminder, OSPI is responsible for monitoring Washington public schools to ensure compliance with state and federal civil rights laws. As part of OSPI's monitoring, school districts must assure compliance with the above requirements through the Consolidated Program Review and the annual Equity Assurance Report through iGrants form package 447. These monitoring activities are described in OSPI's civil rights guidelines, Prohibiting Discrimination in Washington Public Schools, starting on page 67:

<http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx>.

² A school district must translate vital documents when a significant percentage of the population in a school district needs that information in a language other than English to communicate effectively. If there is small number of parents with particular language needs, or if a school district is unable to translate a document because of undue expense, the district must still provide the information to parents and guardians in a language they can understand, such as an oral translation of a document using an interpreter.

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Additional Information and Assistance

For additional information regarding language access requirements, please refer to OSPI's civil rights guidelines, Prohibiting Discrimination in Washington Public Schools, available on the Equity and Civil Rights website:

<http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx>.

More information and resources regarding interpretation and translation services is available online at: <http://www.k12.wa.us/Equity/Interpretation.aspx>.

If you have questions, please contact the Equity and Civil Rights office at (360) 725-6162 or by e-mail at equity@k12.wa.us. OSPI's TTY number is (360) 664-3631.

This bulletin is also available on OSPI's website at: www.k12.wa.us/bulletinsmemos/.

K-12 EDUCATION

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