



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP - 4 2007

Linda Boswell  
Conway Public Schools  
2220 Prince Street  
Conway, Arkansas 72034

Dear Ms. Boswell:

This letter is in response to your correspondence received on July 16, 2007, by the Information Resource Center. This response is based on information from your email along with a conversation you had with one of my staff members regarding whether or not the translation of individualized education program (IEP) documents into the parent's native language is required under the Individuals with Disabilities Education Act (IDEA). In particular, you asked whether it is ethical and legal to ask parents to sign a form that states they have been duly informed in their native language of the information shared by the IEP Team, instead of translating all of the IEP documents. You stated that some of the parents in your school district could read in their native language and some could not. You explained your school district currently provides translators at IEP meetings so parents can participate in the meetings in their native language. At the conclusion of the meeting, the parents are asked to sign a consent form in their native language that states the parents are fully informed of the contents of their child's education program. Additionally, following the IEP meeting, the translator provides the parents with a copy of the IEP documents in the parents' native language. Given these circumstances, your question is whether or not providing written translations of all the IEP documents is necessary.

There is no requirement in IDEA or in its accompanying regulations that all IEP documents must be translated. The statute and its accompanying regulations, however, do contain a number of provisions relevant to the IEP process and translations. Under IDEA, consent means the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication. See 34 CFR §300.9. The parent must understand, and agree in writing, to the carrying out of the activity for which his or her consent is sought; and the written consent form must describe the activity and list any records that may be released and to whom. The parent also must understand that consent is voluntary and may be revoked at any time. Revocation, however, is not retroactive.

Relevant to the IEP process, parental consent is required before conducting initial evaluations, reevaluations and before the initial provision of special education and related services. 34 CFR §300.300. The IEP Team must include the parent. 34 CFR §300.321(a). Consequently, each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate. The public agency must take whatever action

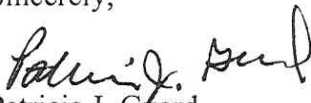
is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. Finally, the public agency must give the parent a copy of the child's IEP at no cost to the parent. See 34 CFR §300.322(a) and (c)-(f).

States and school districts may establish specific procedures designed to ensure that school districts can demonstrate that parents have been “fully informed” before providing consent. As stated previously, under the IDEA a parent must be given an opportunity to participate in his or her child's IEP meeting. Additionally, before agreeing to the initial provision of services, a parent must be fully informed of all relevant information regarding those services. For parents who read in their native language, providing the parents with written translations of the IEP documents may be one way for a school district to demonstrate that the parent has been fully informed of their child's educational program. If, however, the child's parents are unable to read in their native language, written translations of the IEP documents may not show that the parent was fully informed. In those instances the school district (or State educational agency) should ensure that there is another mechanism in place to make certain that these parents are fully informed of all relevant information about the activity for which they are consenting. In other words, while providing written translations of IEP documents is not required under IDEA, we believe that in some circumstances it may help to show that a parent has been fully informed of the services his or her child will be receiving.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

We hope that you find the responses to your questions helpful. If you need further assistance, please feel free to contact my office.

Sincerely,

  
Patricia J. Guard  
Acting Director  
Office of Special Education  
Programs

cc: Marcia Harding, Director, Arkansas Department of  
Special Education