

**Testimony for the House Ways and Means Committee**

**February 15, 2018**

**HB 503 State Department of Education - Translation Grant Program – Established**

**FAVORABLE**

The ACLU of Maryland supports HB 503, which would resource crucial translation services for non-English speaking families of students.

Federal law requires state educational agencies to provide parents of students with disabilities the language services they need to fully understand and participate in proceedings, and this includes provision of written materials in their native language within a reasonable time. Title VI of the federal Civil Rights Act of 1964 requires state and local educational agencies to ensure that students with limited English proficiency (LEP) can meaningfully participate in educational programs and services.[[1]](#footnote-1) The Equal Educational Opportunities Act similarly requires state educational agencies to take steps to overcome language barriers that impede equal participation by students.[[2]](#footnote-2) Lastly, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 require school educational agencies to ensure that all LEP students who may have a disability be provided the same access to evaluations and services that non-LEP students receive, with special consideration given to their limited English proficiency.[[3]](#footnote-3)

The IDEA specifically requires that school districts “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 . . . whose native language is other than English.”[[4]](#footnote-4) State educational agencies also have an obligation under Title VI and the EEOA “to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents.”[[5]](#footnote-5) This includes information about individualized education programs and family-based service plans and may necessitate the translation of documents into the parent’s primary language.[[6]](#footnote-6)

By ensuring that parents are able to access materials in their native language, this bill would help improve communication between state educational agencies and LEP parents and would be a welcome step in the direction of compliance with federal civil rights requirements.

For the foregoing reasons, we urge a favorable report on HB 503.

1. *See Lau v. Nichols,* 414 U.S. 563 (1974). [↑](#footnote-ref-1)
2. 20 U.S.C. § 1703(f). *See also* U.S. Department of Justice and U.S. Department of Education Joint Guidance on English Learner Students and Limited English Proficient Parents, January 2015, hereinafter “DOJ/DOE LEP Guidance” available at http://blogs.edweek.org/edweek/learning-the-language/ELL%20Dear%20Colleague%20Letter.pdf. [↑](#footnote-ref-2)
3. 20 U.S.C. §§ 1400-1419; 34 C.F.R. pt. 300; 29 U.S.C. § 794; 34 C.F.R. pt. 104. [↑](#footnote-ref-3)
4. 34 C.F.R. § 300.322(e); *see also id.* §§ 300.9, 300.503(c)(1)(ii), 300.612(a)(1). [↑](#footnote-ref-4)
5. DOJ/DOE LEP Guidance at 37-38. [↑](#footnote-ref-5)
6. *Id.* at 38, 27n.76. [↑](#footnote-ref-6)