

COUNCIL AGENDA ITEM DETAIL SHEET

BILL: AB 2091, as introduced, Lopez. Special education: individualized education programs: translation services.

ISSUE: Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. Existing law requires a local educational agency to initiate and conduct meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs in accordance federal law. Existing law requires the local educational agency to take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English.

SUMMARY: This bill would require local education agencies(LEAs) to provide the parent, guardian, or educational right holder the IEP in their primary language at the IEP meeting, as well as, provide the IEP within 30 days of being requested and would further require that the IEP be translated by a certified translator.

BACKGROUND/ISSUES/ANALYSIS: The California Department of Education (CDE) is tasked with (charged with) managing our states public school system. As such, CDE ensures that 6.2 million students receive a quality education. Currently, our public school system educates just over 700,000 special education students. In order to receive special education services a parent, guardian, or education rights holder must request that their child be assessed for special education services, after which if it is concluded that a student qualifies for services an individual education plan (IEP) is developed and agreed upon.

An IEP team can include: teachers; parent, guardian, or educational right holder; other school representatives; qualified person who can assess students with disabilities; and a translator – when needed.

DISCUSSION: The IEP process has many steps and can be very overwhelming and intimating for a parent, guardian, or educational right holder who is not familiar with the process or terminology, especially if that person's primary language is not English.

Although, verbal translators are made available to parents, guardians, or educational right holders during IEP meetings some terms in documents or processes may be lost in translation. LEAs are required to provide translated copies of the IEP, if requested. The problem occurs when the LEA does not provide the IEP in a timely manner and when the translated IEP is provided, in some cases, the document has not been translated accurately.

California is home to 10 million immigrants and according the U.S. Census 19% speak English less than "very well". In order for the parent, guardian, or educational right holder to fully understand documents presented during meetings and eventually signed when agreed upon, LEAs will be required to provide the translated documents discussed in meetings 30 days after the meeting and/or a translated copy of the IEP within 30 days of being requested. LEAs will also be required to have the documents translated by a certified translator. (Source: Author's office.)

RECOMMENDATION: None.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal 15: Multi-cultural. Individuals with developmental disabilities and their families have access to information and resources in ways that reflect their language and cultural preferences.

ATTACHMENTS: None.

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