

**SUBJECT:** Requiring translation of special education program plans

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 8 ayes — Sadler, Dunnam, Grusendorf, Hochberg, Lengefeld, Oliveira, Olivo, Smith

0 nays

1 absent — Dutton

**WITNESSES:** For — Judy Butler and Paul Hernandez, International Dyslexia Association; Dianne Reed, Association of Texas Professional Educators; Feliciana Govea; Alba Ortiz; Rufina Perez

Against — None

**BACKGROUND:** Federal law requires every school district to develop an individualized education program (IEP) for each student in the special education program, 20 U.S.C. §1412. The IEP is developed by a committee called an admission, review, and dismissal (ARD) committee, representing the local education agency, teachers, parents, and when possible, the child. The IEP sets out what the school agrees to provide to the student and what expectations the student must meet to fulfill the plan's requirements.

**DIGEST:** CSHB 1275 would require school districts to provide a parent of a special education student a copy of the IEP translated into the parent's native language. If the district provided documentation of a good-faith effort to provide a translation and documentation that such translation was not feasible, the district could provide the parent with an audiotaped translation of the IEP made during the ARD committee meeting.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS SAY:** Numerous requirements in federal and state law enable parents who do not speak or read English to receive copies of documents related to their child's IEP translated into their native language. However, there is no requirement

that the written IEP itself be translated into the parents native language. Federal law, 20 U.S.C. §1415, requires notice in the parent’s native language of any meeting to develop or change the IEP. Federal regulations also require that the education agency take whatever action is necessary to ensure that the parent understands the proceedings at any meeting, including arranging for an interpreter for parents who are deaf or whose native language is not English, 34 C.F.R.§300.345.

This bill would not be a burden on districts. Most already employ translators to translate notices into the most common languages of parents in the district. Under federal regulations, a translator or interpreter must be present at an ARD meeting. If the district could not provide a written translation, it could provide an audio translation made at the ARD meeting.

OPPONENTS  
SAY:

This bill could have a significant fiscal impact on districts that would have to hire someone or contract for translation services. The extent of the burden would rest on the interpretation of the “good-faith effort” required. If districts were required to translate all IEPs without exception, such translations could cost the state and local school districts millions of dollars each year, because IEPs are generally lengthy documents that detail the educational plan for special education students for a full year.

NOTES:

The committee substitute added the provision that the school district could provide the parent with an audiotaped translation of the IEP if the district documented that it had made a good-faith effort to provide a written translation but had found that infeasible.