

IEP Document Translation

HB 23-1263: Language Access for Families with Limited English Proficiency



COLORADO
Department of Education

Introduction

In addition to relevant requirements of the Individuals with Disabilities Education Act (IDEA) and the Exceptional Children’s Educational Act (ECEA), [House Bill 23-1263](#) now requires that Administrative Units (AUs) in Colorado translate the IEP of a Multilingual Learner (ML) into the dominant language spoken by the parents, guardians, or legal custodians, upon their request and **at no cost**. This guidance document informs AUs of their obligations under state and federal regulations to provide language access to parents and how to demonstrate fulfillment of these obligations.

Federal Requirements to Provide Language Access

It is well established that federal law requires that institutions receiving federal funds provide language access to individuals with limited English proficiency (LEP). Accordingly, AUs must provide language access to ensure that students with LEP and their families have the same access to educational information and opportunities that English speaking students, and their families have.

For students with an individualized education program (IEP), the IDEA requires that the AU take “whatever action is necessary” to ensure parents with LEP understand the IEP meeting and can meaningfully participate in decisions about their child’s educational program. To ensure that these parents can meaningfully participate in the IEP process, AUs must provide interpreters for IEP meetings and translate vital documents, such as the IEP. Properly translated IEP documents enable parents to actively participate in the decision-making process and express their concerns for enhancing the education of their child.

To whom does House Bill 23-1263 apply?

The parent, guardian, or legal custodian of a Multilingual Learner who is found eligible to receive special education services is entitled to a translation of the final IEP document. “Multilingual Learner” is the term that the Colorado Department of Education (CDE) uses to refer to students who have been formally identified as English Learners (ELs) using [Colorado’s Standardized English Learner Identification Process](#) as required under the Every Student Succeeds Act (ESSA). The school-based IEP team is responsible for verbally informing the student’s family of their right to request such a translation.

House Bill 23-1263:

“...for a child who is an English language learner, ... Upon the request of the child’s parent, guardian, or legal custodian, the IEP team shall translate or contract with a translation service provider to translate the final IEP document into a written translation or an oral recording in the dominant language spoken in the home of the child’s parent, guardian, or legal custodian.”

IMPORTANT REMINDER

AUs have an independent obligation under federal law to provide language access to a parent with LEP **regardless** of whether their child is proficient in English or has been identified as a Multilingual Learner.

What does HB 23-1263 require?

HB 23-1263 requires that AUs offer to translate the final IEP of a Multilingual Learner upon request of the parent.

AU Obligations Under HB 23-1263

For all Multilingual Learners who have been found eligible for Special Education Services:

1. The IEP team may translate any IEP draft documents for the family.
2. The IEP team must verbally inform the parent, guardian, or legal custodian of the right to request translation services.
3. If the student's parent, guardian, or legal custodian requests a translation, the IEP team must translate the final IEP document into the dominant language spoken in the home.

Important Considerations

- The IEP team should determine which translation format would best allow the family to access the content: a written translation or an oral translation.
- The IEP team should use a qualified human translator to perform the translation services to ensure accuracy.
- The AU should establish and communicate an efficient process for the documentation and processing of all IEP translation requests.

How do AUs' obligations under federal regulations differ from those of HB 23-1263?

Federal regulations require recipients of federal funds to provide language access to all individuals with LEP and that all "vital written documents" be translated. Therefore, fulfillment of the obligations under HB 23-1263 does not necessarily satisfy the AU's obligations to provide language access to families with LEP under federal regulations. Furthermore, a rejection of the offer to translate the IEP may not necessarily relieve the AU of its obligation to translate under federal regulations.

How might the Administrative Unit demonstrate fulfillment of its obligations under HB 23-1263?

To ensure fulfillment of its obligations under HB 23-1263, an AU might consider the following three-step process of reviewing current local policy and procedure, developing new procedures, and conveying this new information to school-based IEP teams.

Step 1: Review The AU should review its local language access plan to evaluate if it adequately anticipates the need to translate IEP documents in written and verbal formats.

Step 2: Develop In developing IEP translation policy and procedures to ensure fulfillment of HB 23-1263 obligations, the AU should:

- a. Review and revise existing policies or practices regarding how qualified interpreters are made available to families with LEP at IEP meetings.
- b. Consider how IEP teams will document the verbal offer to provide a translation of the final IEP document.
- c. Consider how IEP teams will document a parent's request for translation.
- d. Consider how to ensure timely translation through an internal request procedure.
- e. Consider how to document delivery of the translation to the parent.

Step 3: Convey The AU should ensure that all IEP team members are aware of their obligation to verbally offer to translate the IEP, understand the local policy, and how to follow the translation request procedure.

How might “Oral Translation” be achieved?

When an IEP team determines that an oral translation is the most appropriate mode of language access for the requesting parent, the IEP should first be translated into the target language in written form (whenever feasible) and then read aloud and recorded by a proficient speaker of that language. The AU should also ensure that IEP teams understand the distinction between providing language access for the parent to participate meaningfully in the decision-making process during the IEP meeting through an interpreter vs. providing language access to the IEP document through a translation so that the parent can monitor and enforce the student’s IEP.

The Colorado Department of Education (CDE) is responsible for ensuring that Administrative Units meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and the Exceptional Children’s Educational Act (ECEA). To fulfill its obligation, the CDE provides guidance to support Administrative Units in implementing IDEA and ECEA requirements. This guidance is not binding and should not be construed as legal advice. Administrative Units are encouraged to review their policies, procedures, and practices to ensure alignment with state and federal requirements and make changes, as needed. For legal advice, Administrative Units should consult with legal counsel.

WHERE CAN I LEARN MORE?

- [House Bill 23 1263](#)
- [CDE Multilingual Learners Identified with or Suspected of Having Disabilities Webpage](#)
- [Dear Colleague Letter English Learners \(DOJ, January 7, 2015\):](#)
- [Dear Colleague Letter: IEP Translation \(OSEP, June 14, 2016\)](#)
- [US DOJ Fact Sheet: Rights of Parents with LEP](#)
- [OELA Toolkit Chapter 10: Obligations under ESSA to provide language access to parents with LEP](#)
- [OSEP Spanish Glossary 2nd Edition](#)
- [Multilingual Learner \(ML\): CDE’s 2023 dear colleague letter outlining the use of the term, “Multilingual Learner.”](#)
- [45 CFR 92.4 “Qualified translator”](#)