



**National Association of Educational Translators
and Interpreters of Spoken Languages**

Guide for Spoken Language Interpreters in Education Series

Understanding the Rules: Language Access for Families in U.S. Schools

**Joana Ramos, MSW
Language Policy Consultant
March 2024**



A basic understanding of the legal and policy framework underlying language access requirements and services is essential for everyone concerned with ensuring that families and school personnel can successfully communicate with each other and is critical for interpreters who facilitate these conversations, as well as translators who create written materials. The goal of the chapter is to familiarize interpreters with the framework for providing language access to families in PreK-12 schools and cover key terminology, historical development, and

resources. This chapter offers a general overview of language access specifically pertaining to families of students and is not meant as legal information or legal advice.

The social context of equitable communications at schools for all families also needs to be acknowledged and underlies present initiatives to change the situation. How people who speak languages other than English as their primary languages have been regarded in U.S. society, historically and to the present day, as well as the regard for the indigenous and other world languages they speak, reflect structural racism, xenophobia, and anti-immigrant discrimination. This scenario has long

directly and negatively impacted students and their families and contributes to the availability and support for world language instruction in U.S. schools, as well as the lack of personnel, including interpreters and translators, qualified to provide culturally and linguistically appropriate services (Simon, 1980). Progress in attitudes and practices is being made but much more remains to be done. Growing attention to the unmet needs nationwide has spurred the creation of new organizations and resources, such as this handbook for interpreters working or seeking to work in the education sector.

The Words We Use: Talking about Language Access

Terminology matters when talking about language access, the parties involved in the communication process and the delivery of language services. It is vital to understand the nuances of vocabulary choices and how they relate to language access as an equity issue. To get started, highlighted here are some core definitions and discussion about their use:

- Family refers to adults who are parents (biological, adoptive, foster), and other adult caregivers of a student, including: grandparents, legal or informal guardians, whether related or unrelated; and adult siblings, as well as students who are considered emancipated youth such as unaccompanied minor immigrants, a definition based on current principles of family engagement (IWGYP, n.d.)
- Limited English proficient/proficiency and the acronym LEP will be used when directly referencing laws and policies about language access, as they are part of official government terminology at this time (U.S. Department of Justice, n.d.). The official website of the U.S. government about language access, LEP.gov, reflects the official usage of this term. LEP, however, is not a currently preferred term as it reflects a deficiency perspective which norms monolingualism in English. Points to remember:
 - The United States does not have an official language.

- People who may be identified as having limited ability to communicate in English, in fact may be bilingual and/or multilingual.
- Emerging/emergent bilingual is a preferred asset-based term for general use and will be used in this chapter in addition to the term English learner. Referring to a person's "comfort with English" can also be used to describe the domain(s) of communication for which language services are needed. For example, a person who is comfortable understanding and/or speaking English may request written materials in their preferred language.
- Immigrant means a person who was not a U.S. citizen at birth, including people of any age who were born in other countries and with any category of immigration status; this includes refugees, asylees, and unaccompanied minors, and people who are non-immigrant residents, including temporary workers and students. In the school context it should be noted that not all emergent bilingual families or students are immigrants nor are all immigrants English learners.

Using people-first language is equally important in language access work. This term, which originated in the disability rights movement, means recognizing someone as a human being first, and not using the name of a condition or personal characteristic as their identifier. Examples of people-first language would be referring to someone as a person with autism or a person with diabetes, rather than "an autistic" or "a diabetic." Use of dehumanizing terminology contributes to marginalization and othering. Yet it remains common to hear acronyms referring to someone's English language skills used as nouns, with people being called "the L-E-P," or "LEPs", or describing a student newly learning English as an "EL" (or its plural), EL rhyming with bell. While official vocabulary is slower to evolve, making changes to how we talk is simple. It takes only a few more seconds to say, "a parent with LEP," "an English language learner" or a student in an "English learner program." It is especially important for the language

access community to model the use of inclusive, respectful, and accurate terms (Wixon, 2015).

Language Access Rights and Responsibilities

The rights of parents and guardians of students, and the responsibilities of state and local education agencies as well as individual schools, have been established by federal laws and policy guidance, as well as under state, and sometimes local, rules. The rights of all people with limited English proficiency are grounded in Title VI of the Civil Rights Act of 1964 (see Figure 1), which bans discrimination on the basis of race, color, or national origin by all recipients of federal funds. For adults, mastery of the domains of a new language often but not always develop sequentially, depending on many variables, and achieving full fluency typically takes years. An individual may be able to converse about everyday matters in English, but for understanding may need written materials in their primary language. Language access rights apply to access in any of the domains of language.

Figure 1 *Civil Rights Act of 1964*



CIVIL RIGHTS ACT of 1964

Title VI – Nondiscrimination in Federally Assisted Programs Sec 601

No person in the United States shall, on the ground of race, color, or national origin,

be excluded from participation in, be denied

the benefits of, or

be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Act was signed into law by President Lyndon Baines Johnson on July 2, 1964.

In its 1974 ruling in the *Lau v. Nichols* case, the U.S. Supreme Court identified limited English proficiency as one indicator of national origin protected under the Title VI ban on national origin discrimination. The *Lau* case itself was about the education rights of students with LEP. In this unanimous ruling, the U.S. Supreme Court found that the San Francisco school district denied the right to education to immigrant students who spoke Chinese languages, as their lack of opportunity to learn English was a form of national origin discrimination. Rulings from the cases on students' equal rights to quality education before and after *Lau*, give important context as well: the U.S. Supreme Court decision in *Brown v. Board of Education* (1954) banned racial segregation in schools, and the 5th Circuit Court 1981 ruling in *Casteñeda v. Pickard*, in a suit on behalf of Spanish-speaking students, addressed the adequacy of instruction for English learners including their placement in segregated under-resourced schools, also highlighting the intersectionality of race and national origin (Coady, Ankeny, & Ankeny, 2022).

In 2000, former President Clinton issued Executive Order No.13166, 2000, which required federal agencies that provide federal financial assistance to develop guidance for their respective recipients on Title VI obligations to provide meaningful access to individuals with limited English proficiency. As such, the U.S. Department of Education has a language access plan for its own direct interactions with the public (2012) and its Office of Civil Rights offers policy guidance and technical assistance (plus holds enforcement powers) for state and local education agencies to ensure that school districts provide a meaningful educational opportunity for English learners (2005). In 2011, the U.S. Department of Justice issued a toolkit for covered entities, which offers a detailed implementation guide, from identification of community languages and service needs, creating and carrying out a language access plan, core qualifications for those who serve as interpreters and translators, service delivery options, and much more (U.S. Department of Justice, 2011).

At the state level, today all but five states have laws which ban discrimination based on race, gender, national origin (sometimes called

ancestry) and religion, whether actual or perceived (NCSL, 2022). States typically have a dedicated office or agency charged with monitoring and enforcing compliance with civil rights laws. Some municipal and county governments have their own civil rights laws, which apply broadly to all residents and within their jurisdictions. In addition, several states and localities have established statutes, directives, and offices or departments focused on language access (Hofstetter, McHugh & O'Toole, 2021).

As of this writing, efforts have been underway in a few states to codify requirements for language access specifically in the education sector—including training and credentialing of interpreters—to serve all families of students enrolled in public schools, regardless of whether their own student is enrolled in an English learner program. Washington and Illinois passed legislation in 2022, while similar efforts are ongoing in Massachusetts, and began this year in Georgia. The Washington law, the result of several years of legislative efforts, includes provisions establishing new language services responsibilities of certain school districts based on their demographics; reporting requirements on family languages; creating a structure to build a qualified interpreter workforce to serve families in spoken and signed languages; and a phased timeline for implementation of the new requirements (Washington Language Access Program Act, 2022). The Illinois law expands the Identification, Evaluation and Placement portion of the state's school code to increase the instances for provision of spoken and signed language interpreter services, plus requirements for parental notifications and complaint process (Illinois Interpreter Meetings Act, 2022). In Massachusetts, the state legislature continues to review a bill that includes requirements for training of educational interpreters along with establishment of a tiered credentialing system (Massachusetts Qualified Interpreters in Educational Settings, 2021). In Georgia, a new bill was introduced to ensure communication for parents in spoken and signed languages (Georgia Quality Basic Education Act – ESOL Program, 2022).

What are the Requirements for Providing Language Access Services?

Any recipient who receives federal funds for any part of its operations must provide language services at no cost to all members of the public with limited English who come into contact, or could come into contact, with the covered entity, at all points of service, and during all hours of operation (see Table 1.). This means that if only one program or division of the covered entity receives federal financial assistance, the entire entity must offer meaningful language access in all its programs and services. Needed language services must be provided to all current and potential students and to those responsible for a student, such as parents, relatives, and guardians.

In the field of education, there are multiple sources of federal funding (see Table 2) which support all aspects of school operations. For example, language assistance must be provided to inform the public about school enrollment, when families take steps to inquire about enrolling their students, for the enrollment process itself, as well as for communications with families of enrolled students. To receive language services, individuals do not themselves need to be beneficiaries of any form of federal financial assistance, nor are there any income, citizenship, or immigration status requirements for students or their family members, to receive language services. Regarding immigration status, the Supreme Court ruled in 1982 in *Plyler v. Doe* that all children residing in the U.S. have the right to attend public schools regardless of their own immigration status or that of their parents or guardians.

Table 1. *Recipients of Federal Funds*

Who Is a Recipient of Federal Funds?
All programs and services which receive any form of federal financial assistance, directly or indirectly, from the U.S. Department of Education or from any other federal agency, program, or office, is a recipient, and must comply with Title VI. Almost all schools and educational programs receive

Understanding the Rules: Language Access

federal funds, including but not limited to:

- State Education Agencies (SEAs) and Local Education Agencies (LEAs /school districts) and all of their respective PreK-12 general and special education programs offered by public schools including programs for students who are English Learners, immigrants, members of migrant families, and who are homeless.; secondary specialized education programs, such as vocational and technical education, and Running Start programs
- Early intervention programs, such as: children development centers and services for children ages birth-three; preschool programs in public schools, including developmental preschool, for children 3-5
- ECEAP, Early ECEAP, Head Start, Early Head Start, American Indian/Alaska Native Head Start, Migrant & Seasonal Head Start, Interim Head Start.
- School-based Health Services and school health centers*
- Educational Service Districts
- Private nonprofit preschools and childcare centers which participate in USDA Special Milk Program and/or Child Care Food Program
- Private schools whose students receive special education services from public school districts
- Charter schools which receive any form of support from an LEA or SEA
- State or local schools for the Deaf and schools for the Blind
- Schools for military dependents operated by the Department of Defense
- Tribal elementary and secondary schools and post-secondary schools and colleges
- Public community colleges, colleges and universities, including vocational and technical education programs, and many private post-secondary colleges and universities
- USDOE Office of Office of Elementary and Secondary Education Technical Assistance Centers, Regional Educational Laboratories, Office of Special Education Programs Technical Assistance Centers, and National Clearinghouse for English Language Acquisition, and other resources
- Public and private contractors, subcontractors, and vendors serving schools

* The nondiscrimination provisions of the Affordable Care Act apply to healthcare services provided in schools as covered entities.

Table 2 *Sources of Funding in Education*

What Are Common Sources of Federal Funding in Education?
<p>This listing includes sources of federal financial assistance current for the 2021-2022 school year and is not meant to be exhaustive.</p> <ul style="list-style-type: none">• U.S. Department of Education: all offices, programs, services, grants, including support for programs serving students and families in special education, and English Learner, Indian, immigrant, migratory, refugee and homeless students• U.S. Department of Health and Human Services: Administration for Children and Families; Center for Medicaid & Medicare Services, Health Resource Services Administration, National Institutes of Health, Centers for Disease Control, Indian Health Service• U.S. Department of Agriculture Child Nutrition Programs: National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program, Summer Food Service Program, Team Nutrition• U.S. Department of the Interior: Bureau of Indian Education• U.S. Department of Defense Education Activity: schools in the U.S. and abroad• U.S. Department of Commerce: National Telecommunications and Information Administration broadband grant programs• Research funding from agencies in addition to USDOE• COVID-19 relief programs and assistance from any federal agency. Examples include the American Rescue Plan, the Coronavirus Aid, Relief, and Economic Security (CARES) Act and its Elementary and Secondary School Emergency Relief (ESSER) fund, as well as COVID-related public health and healthcare services and programs (e.g. screening, testing, vaccinations, masks and hygiene supplies)

Rights and Responsibilities for Language Access in Education

Rules and responsibilities specific to language access in

education and their requirements for language services for families, in addition to those for students, are built upon Title VI and the Equal Education Opportunity Act (EEOA) of 1974. This overview discusses the basics of legal requirements to provide language access for families, who fall into three main categories:

- all family members who have limited English proficiency, regardless of whether their own student is enrolled in an English learner program and/or has been identified as an English learner;
- families whose student may be eligible for, or enrolled in, English language instruction programs; and
- families whose student with a disability is being considered for, and/or enrolled in, special education programs.

These categories are not mutually exclusive; and language access cannot be limited only to parents whose student is in an English learner instruction program; likewise, students may be enrolled in both English learner and special education programs. The language access responsibilities of schools are centered in ensuring communication with school personnel for all families of all students in any and all school programs, in a language that the family understands (Sugarman, 2019). This means that families who are emergent bilinguals must have access to all the same information, notifications, privacy protections, and due process to be able engage in two-way interactions with school personnel whenever needed, to communicate about educational opportunities, services, supports, programs, extra-curricular activities, and more, for their students, on the same basis as English-speaking families.

Regarding privacy of student records and personally identifying information, including special concerns of many immigrant-background families, the Family Rights and Privacy Act (FERPA) (1997) specifically requires language access for families as part of the required notification of rights and for interpretation of the records. Schools are mandated also to take the steps necessary to ensure that these language access

processes are facilitated only by those qualified to provide interpretation and /or translation at each point of service.

Education Directives and Rules about Language Access

The statutes and guidance listed in this section contain relevant information on language rights. These laws also have a number of other provisions which are beyond the scope of this chapter and will not be addressed. The regulations are listed in chronological order, with discussion on highlights relevant to language access for families who are emergent bilinguals and are meant as an introduction to the topics.

In 1970, the U.S. Department of Education issued its first directive on the responsibilities of schools under Title VI of the Civil Rights Act of 1964, and situations or actions that could be considered as violations of the rights of students and parents under Title VI (OCR, 1970), including the statement:

School districts have the responsibility to adequately notify national origin- minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English (para 3).

This was followed by the Rehabilitation Act of 1973 whose Section 504 affirms equal rights for students with disabilities who have limited English proficiency, and the EEOA which affirmed the rights of public school students to equal educational opportunity without regard to race, color, sex, or national origin and defined unlawful discriminatory practices. Federal guidance on the EEOA was revised in 2000 and directs state education agencies and school districts on steps necessary to ensure not only that the educational rights of English language learner students are upheld, but also that the meaningful communication is provided to their parents and guardians who do not speak English or have limited English proficiency (U.S. Department of Justice, 2022).

1990 marked the enactment of two very important laws which include language access requirements: the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). Title II of the ADA prohibits discrimination against people with disabilities by all state and local governments; its requirements for schools include ensuring that communication with students, parents, and members of the public with disabilities is as effective as communication with others. The IDEA had its origins in the Education for All Handicapped Children Act of 1975; it was reauthorized in 1990 and renamed as IDEA and reauthorized again in 2004 (IDEA, 2014; U.S. Department of Education, 2022). Rights of emergent bilingual families under IDEA include notification about, and provision of, interpreter services in spoken and signed languages, translation of written notifications, records, and materials, in languages other than English at all steps of the assessment, planning and placement of their student in special education programs, and for monitoring of the students' progress once enrolled. In addition to requiring that evaluations and assessments for placement in special education programs and all follow up, be done in the primary language of emerging bilingual students, there are requirements for communicating with parents and ensuring that they are fully informed about the process and are part of team meetings for their student, including for placement decisions and follow-ups. In its parent participation guidelines, IDEA includes instructions for local education agencies on conducting IEP meetings:

(District) 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 (Sec 300.322).

IDEA (2014) was subsequently amended to be consistent with the Every Student Succeeds Act (ESSA) (2015) which establishes federal policy in many areas such as education standards and assessments, accountability measures, teacher qualifications, plus specific requirements for family engagement inclusive of engagement with emergent bilingual families. ESSA Title I: Part A – Parent, Family, &

Community Engagement has directive on meaningful communication with emergent bilingual families, including interpreter services and translation of important information. Title III: Language Instruction For English Learners And Immigrant Students lists among its purposes: (5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners (Sec 3102).

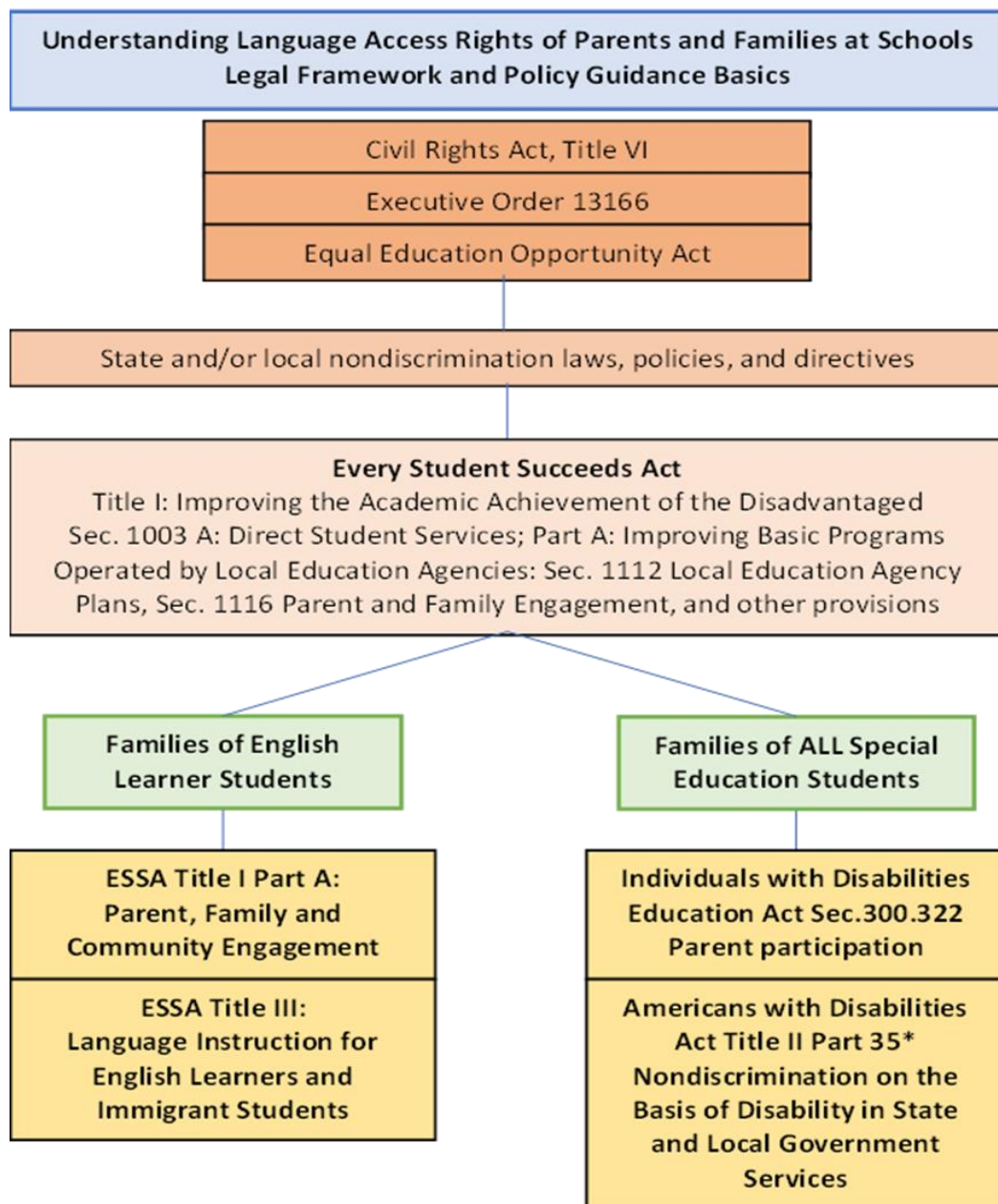
Title III also enumerates ways to accomplish this goal, such as through consultation with emergent bilingual families and community organizations, and outreach and engagement activities. The core federal laws and policy guidance for language access rights and language services requirements in general, and in education settings, and their relationships are illustrated in Figure 2. The entry for ADA Title II under Families of Special Education Students is intentional, to reflect the focus of this chapter on spoken languages of families; in this case, emergent bilingual families who need to communicate about the education of their student with a disability; it is not meant to overlook the scope of ADA protections, as the language access requirements of Title II apply both to families and to students. This includes family members with a disability affecting communication who require language services to be able to discuss the education of their student, no matter what type of education program the student is, or is being, enrolled in.

Language access rights and responsibilities are intersectional across legal requirements, languages and/or communication modalities. For example, the ADA in its Title II requires schools to take appropriate steps to ensure that communication with students, parents, and members of the public with disabilities is as effective as communication with others. For some families, provision of language services may involve both spoken and signed languages, or three different spoken languages; this type of communication service is called relay interpreting. For example, when a Deaf parent whose primary language is Korean Sign Language (KSL) communicates with the personnel at their student's school, relay interpretation may be utilized through the collaboration of a KSL-ASL

Understanding the Rules: Language Access

interpreter and an ASL- spoken English interpreter working in tandem. Relay interpreting may also be utilized for conversations between speakers of spoken languages, such as between a parent who speaks a Mayan language and English-speaking school personnel. An example might be a Mam-Spanish interpreter teaming up with a Spanish-English interpreter at an IEP meeting.

Figure 2 *Legal Framework for Language Access in Schools*



What Can Be Done When Schools or School Districts Do Not Fulfill Their Language Access Responsibilities for Communicating with Parents?

The reality we live in is that language access may not be provided in any given school or district, or that language services provided are not adequate or even appropriate. Common examples include:

- offering interpretation and translations only in a limited number of languages despite the actual needs,
- using free automatic machine translation tools to produce poorly “translated” information that cannot be understood by families,
- posting machine translation tools on school websites as the sole language access resource,
- asking bilingual school personnel whose language skills have not been verified to serve as interpreters and/or to translate documents for important meetings with parents, and
- asking bilingual students to interpret for their own parents or for parents of other students.

Some parents have shared examples of being overlooked or even ridiculed when they sought help to be able to discuss their student’s needs at school. The lived experiences of parents, such as the examples shared below by parents in two states over almost two decades apart in time, illustrate the nature and persistence of the language barriers faced by families at schools.

In 2004, a parent in New York recounted:

My daughter failed 3rd grade even though I asked the school to provide her more services. They never provided the after-school services that she needed. They would send me information in English [and] I would sign them, but they never put her in the appropriate classes. When they gave information about the exams, I went to the meeting, but did not understand anything (Advocates for Children

of New York and New York Immigration Coalition, 2004, p. 34).

In 2021, a parent in Washington State shared:

When I get emails, they're only in English, and when I try to get them translated, I am ignored or never answered. I went into the school one time to get some documents translated into Spanish. The principal treated me very badly and told me, 'This is the USA, English, English, English.' And then the other staff present began to laugh and make fun of me (Open Doors for Multicultural Families, 2021).

The situation is not unique to the education sector and reflects a culture of noncompliance with long-standing laws that has developed over the years. Change is possible, and it takes concerted efforts along with dealing with the issues that stand in the way of progress.

Given the current precarious and uneven status of provision of language services for families in many schools, robust advocacy efforts are essential to change. One very important tool - especially if initial attempts for resolution of problems at the school or district level have not been successful - is filing of civil rights complaints. But taking this step is not easy. First, most members of the public, including emergent bilingual families, do not know that they have the right to communication with their students' schools. Also, few people are familiar with the complaint process, which itself raises cultural, political, logistical, and linguistic issues and barriers, as an unfamiliar and "mainstream American" practice. In the lived experience of some families, questioning authority figures, including teachers and school administrators, is not only outside of cultural practices, but engaging in activism at any level could have put them in danger. For some families the idea of taking legal action may raise additional fears related to their immigration status, despite reassurances.

That is why culturally, and linguistically appropriate collaborative efforts are so important to achieving language access. Often these involve families and/or community-based organizations teaming up with

civil legal aid organizations or language justice groups to file complaints. In many states today there are organizations dedicated to ensuring parent engagement for their students' education, including some focused on serving immigrant-background families.

Understanding Oversight and Accountability for Language Access in Schools

When considering filing a civil rights complaint, the first step is to become familiar with the oversight and accountability responsibilities and functions that exist at the federal and state levels. The U.S. Department of Education, Office for Civil Rights (DOE-OCR) is tasked with overseeing implementation of all anti-discrimination laws by state and local education agencies. Among DOE's functions are developing and disseminating policy guidance and related resources, research and technical assistance, as well as engaging in enforcement activities. Their enforcement actions are taken in response to civil rights complaints about instances of denial and/or inadequate language services in schools and districts which have harmed families and students in ways that present as national origin discrimination.

DOE-OCR works in partnership with the U.S. Department of Justice, Civil Rights Division (DOJ-CRT) on monitoring service delivery and enforcing compliance with civil rights laws in the education sector. For example, in 2021, DOJ entered into settlements with school districts in 6 states to resolve complaints about the inability of parents with limited English to be able to communicate with staff at their students' schools (Clarke, 2022). Investigations in progress and information on resolution of complaints can be found on the DOE-OCR's Reading Room webpage (OCR, 2022).

In addition, DOE-OCR offers a dedicated webpage with information and resources for both families and education officials (see Table 3). Among the resources available are publications pertaining to rights of

families to language access services in interactions with their student's school. A good number of the materials for parents are available in multiple languages. Table 3 contains a list of some resources that can help families, advocates, and interpreters learn more about these important topics.

Table 3 *Selected Resources on Language Access in Education*

<p style="text-align: center;">U.S. Department of Justice, Civil Rights Division</p> <p>LEP.gov: Official website for language access information and resources for government agencies, covered entities</p>
<p style="text-align: center;">U.S. Departments of Education and Justice</p> <p>English Learners DCL (PDF) (ed.gov): Guidance on legal obligations for serving English learner students and parents directed to state education agencies, school districts and public schools</p> <p>English LEP Parent Fact Sheet (ed.gov): Guidance on legal obligations for communicating with English learner parents directed to parents and school districts</p> <p>Confronting Discrimination Based on National Origin and Immigration Status (PDF): Resource for families and educators on dealing with discrimination issues related to national origin and immigration status</p> <p>Educational Resources for Immigrants, Refugees, Asylees and other New Americans: Webpage page devoted to providing information and educational resources to newly arrived students and parents</p>
<p style="text-align: center;">U.S. Department of Education</p> <p>Tools and Resources for Ensuring Meaningful Communication with LEP Parents: Chapter 10 of the department's English Learner Toolkit focused on helping schools improve language access for families</p> <p>National Clearinghouse for English Language Acquisition (NCELA): Contains demographic and state data, resources, grant programs and federal policy, and news and events related to English learning</p>

Non-government Organizations and Resources

[Bridging Refugee Youth and Children's Services \(BRYCS\)](#): Contains resources to strengthen the capacity of refugee-serving and mainstream organizations, including schools, to ensure the successful development of refugee children, youth, and their families

[How to Support Immigrant Students and Families: Strategies for Schools and Early Childhood Programs](#): Guide to serving immigrant students including legal and immigration issues, social-emotional support, and staff training produced by [Colorín Colorado](#), a bilingual site for educators and families of English learners

[Legal Protections for K-12 English Learner and Immigrant Background Students](#): Policy brief by the [Migration Policy Institute](#) that lays out seven key ways the U.S. government protects the legal rights of English learner and immigrant-background students

Can Interpreters and Translators Help to Promote Language Access in Schools?

Interpreters, as well as translators, who have specialized backgrounds in the education field, can play an important role in helping to improve language access through community involvement on the personal level. When interpreters are serving families at schools, they are governed by their professional code of ethics and practice standards (NAETISL, 2021) and applicable legal requirements concerning the confidentiality of the identities of families and information about families and their students, and when and how it could be appropriate, to engage in advocacy and cultural brokering.

Outside of school settings, there are a number of important ways for interpreters as private individuals to be involved in language justice activities. These include participating in national education and advocacy groups like NAETISL, state and local groups with similar aims, language access coalitions, and educational equity groups, community-based organizations, plus

immigrant- rights and disability-rights groups. Many of these groups also have a need for the services of qualified interpreters and translators and offer paid and pro bono opportunities to interpret for meetings, advocacy campaigns, public testimony, interviews, and provide in-language narration for social media videos, and more. The services of translators are vital as well to help groups create high-quality in- language publications of all types, provide translations, and conduct community reviews of materials from other sources.

Conclusion

We find ourselves now in a time of great opportunity for creating the plans and structures needed to ensure that all emergent bilingual families and all school staff at all schools in all states are able to communicate with each other so that all students will be able to benefit fully from all educational programs and services. Therefore, it is critical to know the rules and policies about language access as the foundation for language justice work in schools. We are well aware too of the challenges that remain to make these goals become reality, as our current situation of great disparities in language access for families at schools is not a recent or sudden development. Laws banning discrimination have been in effect for decades, but institutional cultures of noncompliance have developed over the years as well, rooted in racism, anti-immigrant prejudice, classism, and ableism. The COVID-19 pandemic, with its grossly disparate impacts, and the 21st Century racial justice movement have ripped away what some may have chosen not to see about inequities built into American life and have spurred new efforts for change. Public attention is helping to support existing work underway as well as to spur new efforts to create the change that we need and want.

Across the country, there continue to be bright spots of innovation for meeting the communication needs of families at school in a diverse array of states and/or communities. To be sure, some began as corrective measures in response to civil rights complaints and litigation, while others developed proactively to meet unmet needs. Examples include programs to train bilingual staff to become interpreters in

schools; districts establishing language services departments staffed by qualified interpreters and translators; workgroups convened by state legislatures to study the current situations and make recommendations for changes; community-based organizations which actively advocate for changes in their local schools; and creation of new efforts to ensure meaningful language access for families at schools nationwide.

References

- Advocates for Children of New York and New York Immigration Coalition. (2004). Denied at the door: Language barriers block immigrant parents from school involvement. https://www.advocatesforchildren.org/sites/default/files/library/denied_at_the_door_2004.pdf?pt=1
- Americans with Disabilities Education Act of 1990, 42 U.S.C. § 12101 et seq. (1990). <https://www.eeoc.gov/americans-disabilities-act-1990-original-text>
- Brown v. Board of Education, 347 U.S., 483 (1954). <https://www.archives.gov/milestone-documents/brown-v-board-of-education>
- Castañeda v. Pickard, 648 F.2d, 989 (1981). <https://www.leagle.com/decision/19811637648f2d98911495>
- Clarke, K. (2022, February 4). *Remarks at the inaugural meeting of the President's Advisory Commission on Asian Americans, Native Hawaiians and Pacific Islanders*. Washington, D.C. <https://www.justice.gov/opa/speech/assistant-attorney-general-kristen-clarke-delivers-remarks-inaugural-meeting-president-s>
- Coady, M.R., Ankeny, B. & Ankeny, R. (2022). Is language a 'right' in U.S. education?: Unpacking *Castañeda's* reach across federal, state, and district lines. *Language Policy*, 21, 305–329. <https://doi.org/10.1007/s10993-021-09604-1>
- Every Student Succeeds Act, 20 U.S.C. § 6301 (2015). <https://www.congress.gov/bill/114th-congress/senate-bill/1177/text>
- Equal Education Opportunity Act of 1974, 20 U.S.C. § 1701. <https://www.congress.gov/bill/93rd-congress/house-bill/40/all-info>
- Exec. Order No. 13166, 3 C.F.R. 50121. <https://www.justice.gov/crt/executive-order-13166>
- Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (1997). <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- Georgia Quality Basic Education Act – ESOL Program, HB 1153, Georgia General Assembly, 2021–22. <https://www.legis.ga.gov/legislation/61584>
- Hofstetter, J., McHugh, M., & O'Tolle, A. (2021). *A framework for language access: Key features of U.S. state and local language access laws and policies*. Migration Policy Institute. <https://www.migrationpolicy.org/research/state-local-language-access-policies>
- Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400 et seq. (2014). <https://www.congress.gov/bill/108th-congress/house-bill/1350/text>
- Interagency Working Group on Youth Programs. (n.d.). *Family engagement*. Youth.gov. <https://youth.gov/youth-topics/family-engagement>
- Illinois Interpreters Meeting Act, 105 ILCS, 5/14–8.02 (2022). <https://www.ilga.gov/legislation/102/HB/10200HB5214.htm>

Lau v. Nichols, 414 U.S. 563 (1974)

<https://www2.ed.gov/about/offices/list/ocr/ell/lau.html>

Massachusetts Qualified Interpreters in Educational Settings, H3979, 192 General Court, 2021. <https://trackbill.com/bill/massachusetts-house-bill-3979-an-act-relative-to-the-training-assessment-and-assignment-of-qualified-school-interpreters-in-educational-settings/2138272/>

National Association of Translators and Interpreters in Education. (2022). *Code of ethics and standards of practice for educational translators and interpreters of spoken languages*. <https://naetisl.org/ethics-standards>

National Conference of State Legislatures. (2021, June). *State public accommodation laws*. <https://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx>

Office for Civil Rights. (1970). *DHEW memo regarding language minority children*. <https://www2.ed.gov/about/offices/list/ocr/docs/lau1970.html>

Office for Civil Rights. (2005). *Limited English proficiency plan*. https://www2.ed.gov/about/offices/list/om/docs/programs_lep.doc

Office for Civil Rights. (2022). *Reading room*. <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/readingroom.html>

Plyler v. Doe, 457 U.S. 202 (1982). <https://supreme.justia.com/cases/federal/us/457/202/>

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (1973). <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>

Simon, P. (1980). *The tongue-tied American: Confronting the foreign language crisis*. Continuum.

Sugarman, J. (2019). *Legal protections for K-12 English learner and immigrant-background students*. Migration Policy Institute. <https://www.migrationpolicy.org/research/legal-protections-k-12-english-learner-immigrant-students>

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (1964). <https://www.justice.gov/crt/fcs/TitleVI-Overview>

U.S. Department of Education. (2000). *The provision of an equal education opportunity to limited-English proficient students*. <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

U.S. Department of Education. (2012). *Policy directive to ensure meaningful access to federally conducted services, programs and activities for individuals with limited English proficiency*. <https://www2.ed.gov/policy/gen/leg/foia/acsocroco1102.pdf>

U.S. Department of Education. (2022). *A history of the Individuals with Disabilities Education Act*. <https://sites.ed.gov/idea/IDEA-History>

Understanding the Rules: Language Access

- U.S. Department of Justice. (n.d.). *Commonly asked questions and answers regarding limited English proficient (LEP) individuals*. LEP.gov.
<https://www.lep.gov/commonly-asked-questions>
- U.S. Department of Justice. (2011). *Language access assessment planning tool for federally conducted and federally assisted programs*.
https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf
- Washington Language Access Program Act, Chapter 28A.183 RCW (2022).
<https://app.leg.wa.gov/RCW/default.aspx?cite=28A.183>
- Wixon, M.A. (2015). *State-level English language learner policies*. Education Commission of the States. <https://files.eric.ed.gov/fulltext/ED561942.pdf>



ABOUT THE AUTHOR

Joana Ramos
Language Policy Consultant

National Association of Educational Translators and Interpreters of Spoken Languages
March 2024



Joana Ramos, MSW, has been engaged with equity-focused practice and policy efforts in health, human services, and schools over several decades. Her background as an interpreter and in community organizations led her to specialize in language justice work at the local and national levels. As a Portuguese interpreter, she served students and families in the Seattle school district and was active as a medical interpreter. Joana was in the pilot group to earn the CoreCHI national credential from the Certification

Commission on Healthcare Interpreting and held interpreter authorization from Washington's Department of Social and Health Services.

She was a founding member and past President of the Washington State Coalition for Language Access. Now an Emeritus Member of WASCLA's Board of Directors, she is a leader in the organization's education and advocacy work on PreK-12 education, healthcare, emergency management, immigrant rights, and accountability of government agencies and public-serving institutions. Joana is part of the WASCLA team for the Language Access Advisory Committee of the Washington state education agency and served on the workgroup that preceded it. She participates in several equity networks, including the Language Access Working Group of the National Partnership for New Americans, and the Language Access Research for Community Health (LARCH) coalition. Joana is a graduate of Boston University and the University of Washington School of Social Work.