

**Denied At the Door:
Language Barriers Block Immigrant Parents
from School Involvement**

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Advocates for Children of New York
New York Immigration Coalition
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EXECUTIVE SUMMARY

There is overwhelming evidence that parental involvement in a child's education is a key factor to his/her success in school. Yet, New York City and New York State have failed to ensure that immigrant and limited English proficient parents have the most basic access to their children's schools. Too many of these parents have no one to speak to in their native language and do not receive key school documents in a language they can read. In New York City, 53% of all school children come from homes where English is not the primary spoken language. This makes the issue of ensuring meaningful language access to these parents of prime importance in helping all students succeed in meeting New York State's standards and the goals of the federal No Child Left Behind Act. Furthermore, New York's failure to provide meaningful language access to parents with limited English proficiency is a violation of the clear letter and intent of state and federal regulation and law.

This report addresses lack of meaningful access afforded to parents with limited English proficiency to their children's schools and the school system due to language differences. The findings of this report are based upon a survey of 915 parents whose primary language is not English and 55 students from immigrant families who are attending New York Schools, with 86% of the respondents from New York City schools. Our survey found that the New York City school system has systemically failed to provide translation and interpretation services to parents who require these services. Despite numerous federal, state, and local laws mandating translation and interpretation for parents with limited English proficiency, the New York City Department of Education has yet to adopt policies and procedures to address these issues. This survey is the most current of a number of surveys and reports conducted in the past few years that have clearly demonstrated the lack of access to the school system due to the deficiency of translation and interpretation services. It is our fervent hope that this will be the last to be done before the school system responds by creating a systemic program for language access for parents.

Survey Findings

Three-quarters of parents and students taking the survey reported that they themselves or their parents do not speak English, or speak English at minimal levels, while only 26% reported that they spoke English well to very well. Seventy-four percent of parents did not read English or read at minimum levels. Our findings from the entire survey group were that:

Schools fail to translate notices and fail to provide interpreters to parents with limited English proficiency:

- Nearly one-half (47%) of survey respondents reported that the parent "never" or "rarely" receives written information from the school, school district, or Department of Education translated into their native language. Only 12% reported that the parent always receives such translations.

- Oral interpretation services at schools were even scarcer. The majority (56%) of survey respondents reported that the parent “never” or “rarely” receives oral interpretation of school-related information in the native language. Once again, only 12% of surveys reported that the parent “always” receives interpretation services.
- Forty-one percent of survey respondents reported that the parent has had to use his/her child or another student as an interpreter at school in order to speak to a school staff member.
- Of the 342 surveys that identified the student to be in an ESL class, bilingual education program or both, one-third (34%) reported that the parent had not received information regarding either program in their native language.
- A majority of parents had attempted to contact their child’s school; 56% by phone and 63% in person. However, 60% of the time, schools used only English in response to parents making the effort to communicate.
- When asked if the student’s school has ever asked the parent to sign documents asking for their consent that are not in the native language and the parent did not understand what s/he was signing, one quarter (26%) of survey respondents reported that the parent has indeed had to.

Lack of language access prevents parents with limited English proficiency from participating in school activities and hurts the students’ school experience:

- When asked if the parent actively participates in school activities, 43% of surveys reported that the parent does. When asked if the parent *would* actively participate if language services were available, however, 76% of surveys reported that the parent would.
- Approximately half (47%) of the parents and students surveyed felt that their families have been harmed by the lack of language services at school.

Not only are these survey results disheartening and a direct link as to why so many immigrant and English Language Learner (“ELL”) students are struggling in school, but they indicate clear violations of federal, state, and city laws and regulations requiring translation and interpretation services for limited English proficient parents, at least for those parents who speak the most common languages. These parents make up the overwhelming majority of our survey participants.

Recommendations

The need for language translation and interpretation services in New York is clearly laid out in this report, as well as in a number of other surveys and reports in the last few years. It is clearly time for action to be taken.

- 1) Create and Implement a Clear Language Access Policy for New York State
The New York State Education Department should issue clear guidance to all New York school districts regarding the minimum requirements for language translation and interpretation. Schools must be held accountable for meeting these requirements. Consistent with federal requirements under the No Child Left Behind Act, state regulations should be amended to clarify that language assistance is required to all limited English proficient (“LEP”) parents, not only to parents of LEP/ELL students. The New York State Education Department (SED) should provide translations of all SED produced materials intended for parents to school districts across the state, and should provide a centralized translation resource for non-New York City schools.

- 2) Create and Implement A Comprehensive Language Translation and Interpretation Program in New York City
New York City, the largest school district in the nation, and which has the greatest concentration of English Language Learners in New York State, must create a comprehensive language translation and interpretation program to serve limited English proficient parents. Such a program can be based on already functioning systems in Los Angeles and Seattle, and would provide that:
 - a) All notices and materials going to parents must be provided in the native language of parents with limited English proficiency. The Department of Education should create a centralized translation unit providing translations in the major languages, with referrals for outside translation for those languages spoken by smaller segments of limited English proficient families. Each school must post signs informing parents of their rights to language assistance. Schools must collect information on the language assistance needs of their parents and the principal must be held accountable for meeting those needs.

 - b) An Interpretation Unit offering verbal interpretation services must be put in place. This central unit would arrange for interpretation at all Department of Education citywide meetings (i.e., meetings that are open to all city residents, such as hearings, etc.). The Department of Education should also develop a telephone-based system to provide translated messages to parents with limited English proficiency. The phone service would alert limited English proficient parents of citywide information, such as elections for community school district personnel.

- c) The Department of Education's website should be made accessible for parents with limited English proficiency through translation of key components into major languages. An evaluation should be conducted of its utilization and effectiveness as a mechanism for improving language access.

Such services would bring New York City and New York State into compliance with the letter and intent of city, state, and federal regulations and law. These services would help ensure that parents with limited English proficiency know what is happening in their children's education and can actually be involved in their children's education. These parents, as made evident by the survey results and numerous anecdotes in this report, often feel intimidated and unwelcome in their schools due to the lack of translated materials and interpretation services. These services can be provided through funds from New York State LEP aid, Title I and Title III of the NCLB, and other school based funding streams. In this manner, parent participation should markedly improve and students are likely to make greater academic progress.

PART A: BACKGROUND INFORMATION

1. Introduction

“I am a committed mother. I make sure my sons do their homework and get to school. I am active in my community. But how can I participate in my sons’ schools if I can’t communicate with people there?” – N.R., Brooklyn parent of 8th grader

Immigrant families consistently rank quality education for their children as one of their highest priorities, yet many find it extremely difficult to be involved in school system issues, whether at the level of actively monitoring their children’s educational experience, participating in parent teacher associations and school leadership teams, or engaging in advocacy efforts with school and elected officials. The reason for this is often as simple as having nobody who can speak to the parent in his or her native language at the school, and the parent not receiving vital written information in his or her native language. Barriers of language and culture prevent meaningful communication between schools and immigrant parents. As parental involvement in education is a key factor in students’ success, the future of New York City and the rest of the State arguably hinges upon how well our immigrant and refugee parents are given access to our schools.

The New York City school system, the largest school district in New York State and in the nation, has systemically failed to provide translation and interpretation services to parents who require these services. The result is that parents are effectively barred from meaningful participation in their children’s education, as well as from access to critical information about learning standards, suspensions, bilingual education, special education, and school governance, among other issues. Despite numerous federal, state, and local laws mandating translation and interpretation services for limited English

proficient parents¹ of children in the public schools, the New York City Department of Education has yet to adopt policies and procedures to address these issues.

This report addresses the lack of meaningful access afforded to parents with limited English proficiency to the New York City schools due to language differences. The report stems from the work of the Equity Monitoring Project for Immigrant and Refugee Education (“EMPIRE”), a civic participation project that aims to increase the engagement of immigrant parents in their children’s education and of immigrants and refugees more broadly in education reform issues. The EMPIRE project weaves together the legal, advocacy, research, and training skills of Advocates for Children; the policy analysis, advocacy coordination, and training skills of the New York Immigration Coalition; and the energy and frontline experience of eight community groups that are working with parents, children, and other concerned members of New York’s immigrant communities to assist them in better understanding how the school system works and actively engage them in efforts to make it better.² Each of the EMPIRE member groups has concluded that one of the most urgent issues confronting their constituents is also the most fundamental—parents’ inability to communicate with the teachers and staff at their children’s schools because of language barriers.

The findings of this report are based upon a survey of immigrant parents whose primary language is not English and students from immigrant families who are attending New York schools. Eighty-six percent of those who took the survey reside in New York City, and the rest represent school districts in Westchester and Long Island. Surveys

¹ Also referred to throughout this report as “parents with limited English proficiency” and “LEP parents” as appropriate.

² EMPIRE member groups: Committee for Hispanic Children and Families, Comprehensive Development, Inc., Latin American Integration Center, Make the Road by Walking, Metropolitan Russian American Parents Association, South Asian Youth Action, Westchester Children’s Association, and the YWCA/Flushing Branch.

were conducted from October 2003 through January 2004 by EMPIRE member groups and other community-based organizations committed to the empowerment of immigrant parents.³ Surveys were administered by these community-based organizations to their immigrant constituents as well as to immigrant parents in the broader communities the organizations serve throughout much of New York State. The survey was translated into seven languages- Spanish, Chinese, Korean, Russian, Haitian Creole, Bengali and Arabic- to reach the majority of those parents whose native language is not English.

2. Immigrant and Refugee Students in New York State: A Statistical Overview

In the 2000-2001 school year, the most recent year for which state-level data is available, there were 165,245 students in New York State who were classified as Limited English Proficient, also known as English Language Learner students (“ELL students”). In that year, 70% (116,412) of ELL students statewide attended school in New York City.⁴

Immigrants and their children make up a large and growing percentage of New York City’s population. In 2000, approximately 39% (2,871,032) of New York City’s population was born outside the United States.⁵ Many new immigrants are not English speakers. In New York City, 53% of all schoolchildren come from homes where English is not the primary spoken language.⁶ Approximately 48% of New York City’s population

³ The survey was administered by the following community-based organizations, in addition to the EMPIRE member groups: Project Reach Youth, Chinese-American Planning Council, Safe Space, Brooklyn Chinese-American Association, and Young Korean American Services & Education Center.

⁴ The New York State Education Department, Elementary, Middle, Secondary and Continuing Education Committee, “Report on the Status of Limited English Proficient/English Language Learners (LEP/ELLs),” January 27, 2003, p. 7.

⁵ New York City Department of Planning, Population Division, “Table SF3 SB P-1: Country of Birth for the Foreign-born Population, New York City, Boroughs and Census Tracts, 2000” (July 2003).

⁶ Urban Institute, 1999

over the age of five speaks a language other than English at home, and approximately half of the population that speaks another language at home does not speak English “very well.”⁷ Twelve percent of New York City’s total population over the age of five reported that they spoke English “not well” or “not at all.”⁸ Of the 1.1 million students enrolled in the New York City public schools in the 2001-2002 school year, 144,942 (13.2%) were classified as ELLs.⁹

While not all immigrants and/or their children require assistance in learning English, the size and diversity of New York’s immigrant and refugee communities naturally create more demand for English language services for parents.

Since the late 1970s, immigrants from the Caribbean have dominated the flow of newcomers, with the Dominican Republic topping the list of sending countries through the 1970s, 1980s and early 1990s. Other Caribbean countries that figured prominently in New York’s arrival statistics during recent decades include Jamaica, Haiti, Trinidad, and Tobago. In addition, several African countries, notably Egypt, Nigeria, and Ghana, began sending enough immigrants to rank among the top twenty countries for the first time ever. Table 1 lists the top ten countries of origin for immigrants to New York City in the 1970s, 1980s, and 1990s along with the number of New Yorkers arriving from each country during each time period.¹⁰

⁷ New York City Department of Planning, Population Division, “Table SF3 SB P-4: Ability to Speak English for the Population 5 years and Over, New York City, Borough and Census Tracts, 2000” (July 2003).

⁸ New York City Department of Planning, Population Division, “Table SB P8: 2000 Census Special Tabulation – Language Other Than English spoken at Home by Ability to Speak English for the Population 5 years and Over” (July 2003).

⁹ The New York City Department of Education, “Facts and Figures 2001-2002.”

¹⁰ 1972-1979 and 1982-1982 statistics are from the New York City Department of City Planning, *The Newest New Yorkers, 1990-1994*. The 1990-1996 statistics are from the Annual Immigrant Tape Files, U.S. Immigration and Naturalization Service.

Table 1: TOP TEN SENDING COUNTRIES TO NEW YORK CITY ANNUAL AVERAGES, 1972-1979, 1982-1989, 1990-1996.

1972-1979		1982-1989		1990-1996	
Country of Origin	Number	Country of Origin	Number	Country of Origin	Number
1. Dominican Republic	9,997	1. Dominican Republic	14,470	1. Dominican Republic	21,330
2. Jamaica	6,636	2. Jamaica	9,043	2. Former Soviet Union	15,279
3. China, Total	5,190	3. China, Total	8,985	3. China, Total	11,935
4. Italy	3,733	4. Guyana	6,705	4. Jamaica	6,403
5. Haiti	3,602	5. Haiti	5,102	5. Guyana	5,986
6. Trinidad & Tobago	3,501	6. Colombia	2,851	6. Poland	3,553
7. Guyana	3,244	7. Korea	2,514	7. Philippines	3,247
8. India	2,857	8. India	2,505	8. Trinidad & Tobago	3,061
9. Ecuador	2,793	9. Ecuador	2,241	9. Haiti	3,007
10. Former Soviet Union	2,664	10. Philippines	1,692	10. India	2,976

Source: New York City Department of Planning, 1995-96.

The late 1990's saw new growing sources of immigration into New York City. The African immigrant population in New York City doubled between 1990 and 2000. The African-born population is one of the fastest growing immigrant groups in New York City, increasing by 127% in the past decade.¹¹ A total of 99,126 African immigrants reside in New York City, the highest number of African-born immigrants in the nation.¹²

South Asian countries, such as Bangladesh and India, have also emerged as major sources of immigrants to New York City. Immigration from Bangladesh nearly doubled from 1,900 annually in the early 1990s to 3,900 in 1995-1996. As of 1999, Bangladesh was the sixth largest source of immigrants to the city, up from 14th place in the early 1990s.¹³

¹¹ African Services Committee, "African Community in the U.S." (citing U.S. Census 2000); <http://64.177.81.13/AboutAfricanCommunity.php>

¹² Jill Wilson, "African-born Residents of the United States," Migration Policy Institute, August 1, 2003.

¹³ New York City Department of Planning, "The Newest New Yorkers: 1995-1996: An Update of Immigration to NYC in the Mid '90s," November 1999.

Furthermore, census data shows that, from 1990 to 2000, there was a 54.3% increase in the number of immigrants from Asian countries in New York City. The highest changes in immigration from Asian countries from 1999 to 2000 are as follows: a 286.4% increase in the number of immigrants from Bangladesh, a 150.7% increase in immigrants from Sri Lanka, a 78.5% increase in immigrants from Pakistan, an 80.7% increase in the number of immigrants from India, a 61% increase of the number of immigrants from Malaysia, a 56.8% increase of the number of immigrants from Indonesia, and a 51.3% increase in immigrants from China.¹⁴

From 1990 to 2000, there was an aggregate 21.1% increase in the number immigrants from Latin American nations in New York City. The highest percent increases were in immigration from Mexico (202.8%), the Dominican Republic (22.3%), Ecuador (28.8%), and Venezuela (41.3%). Further, there was a 696.3% percent increase in Hispanic subgroups from “Other Central American countries”¹⁵ and a 659.6% increase in Hispanic subgroups from “Other South American countries.”¹⁶

In the three year period prior to March 2001, 102,867 immigrant students registered for grades pre-K through 12 in New York City public schools: the predominant countries of origin were the Dominican Republic, China, Jamaica, Mexico, Pakistan, Ecuador, Columbia, and Haiti.¹⁷ Of the 1.1 million students enrolled in the New York

¹⁴ New York City Department of Planning, Population Division, “Demographic Profile – New York City: 1990-2000”.

¹⁵ *Id.*; “Other Central American” data is reported distinctly from data relating to Costa Rica, Guatemala, Honduras, Nicaragua, Panama or Salvador.

¹⁶ *Id.*; “Other Central American” data is reported distinctly from data relating to Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay or Venezuela.

¹⁷ “New York City Public Schools: Demographic and Enrollment Trends 1990-2002,” New York City Department of Planning (July 2003), p. 10.

City public schools in the 2001-2002 school year, 144,942 (13.2%) were classified as ELLs.¹⁸

These statistics indicate that New York is unique among other large, immigrant-receiving cities and states, not only for the size of its newcomer population, but also for the diversity in race, ethnicity and national origin of its newcomers. This diversity is in turn reflected in the number of languages spoken by its school-age children and their parents. Table 2 shows the enrollment of ELL students by predominant language and borough for the 2001-2002 school year in the New York City public schools.

Table 2: LIMITED ENGLISH PROFICIENT (LEP) STUDENT ENROLLMENT BY PREDOMINANT LANGUAGE & BOROUGH

Predominant Language Group	Total LEP Student Enrollment	Percent of Total ELLs	Distribution by Borough				
			Manhattan	Bronx	Brooklyn	Queens	Staten Island
Spanish	94,114	66.1	20,471	32,343	18,275	21,745	1,280
Chinese	14,994	10.5	4,609	165	5,712	4,320	138
Russian	3,818	2.7	98	66	2,701	864	89
Urdu	3,639	2.6	84	23	2,110	1,133	89
Bengali	3,544	2.5	278	465	1,116	1,675	10
Haitian	3,289	2.3	69	17	2,747	450	6
Arabic	2,506	1.8	251	246	1,262	619	128
Korean	2,335	1.6	80	95	128	1,956	76
Albanian	1,665	1.2	99	659	453	262	192
French	1,656	1.2	478	262	519	364	33
Punjabi	1,399	1.0	6	30	120	1,233	10
Polish	1,239	0.9	159	3	578	466	33

Source: New York City Department of Education, Facts and Figures 2001-2002

The twelve languages reflected above are among over 140 languages spoken by students in New York City, and account for 95% of all ELLs. Spanish, spoken by the majority of

¹⁸ DOE, Facts and Figures 2001-2002

ELL students, accounts for 66.1% of all ELL students, and Spanish and Chinese combined cover over three quarters of all ELL students in New York City.¹⁹

The current ethnic and racial diversity of immigrant and refugee arrivals in New York, and the projected continuation of these trends into the next century, creates important challenges and opportunities for state and local policymakers. Schools must be prepared to respond to the needs of an increasingly diverse, multilingual and multicultural student body, and take steps to ensure that all parents of New York's students receive a meaningful opportunity to participate in the education of their children.

3. Overview of Federal, State, and Local Law & Regulations Concerning Language

Access Rights of Parents with Limited English Proficiency

An array of federal, state and local laws and regulations govern and mandate the provision of translation and interpretation services to LEP parents in New York City. Throughout this report, parents' access to schools that these requirements establish is referred to as "language access." New York State and New York City should not only create such access as a matter of sound policy, but as outlined below, are clearly required by law to provide language access services to LEP parents.

A) Federal Law, Regulations and Decisions

i. Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 states that recipients of federal funds, such as state and local educational agencies, may not discriminate on the basis of race,

¹⁹ Id.

color, or national origin.²⁰ The U.S. Department of Education’s Office of Civil Rights issued a policy document on May 25, 1970 in the form of a memorandum to school districts, specifically providing that “school districts have the responsibility to adequately notify national-origin minority group parents of school activities that are called to the attention of other parents, and that such notice in order to be adequate may have to be provided in a language other than English.”²¹ In applying the Title VI statute to the rights of ELLs, the U.S. Supreme Court held in Lau v. Nichols²², that, under Title VI, English Language Learners are entitled to equal educational opportunity and language assistance and upheld the May 25, 1970 memorandum.

On August 11, 2000, President Clinton signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (“The Executive Order”).²³ The Executive Order requires federal agencies to examine the services they provide, identify any need for services to LEP individuals, and develop and implement a system to provide those services so that LEP persons can have meaningful access to them. To assist federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency” (“LEP Guidance”).²⁴ The LEP Guidance sets forth the compliance standards recipients must follow -- and provides an analytical framework to

²⁰ 42 USC § 2000d et. seq.

²¹ U.S. DOE Office of Civil Rights, Memorandum, “Identification of Discrimination and Denial of Services on the Basis of National Origin,” May 25, 1970.

²² Lau v. Nichols, 414 U.S. 563 (1974).

²³ Federal Register: August 16, 2000 (Volume 65, Number 159).

²⁴ "Enforcement of Title VI of the Civil Rights Act of 1964: National Origin Discrimination Against Persons with Limited English Proficiency" (DOJ August 16, 2000, General LEP Policy Guidance). These principles are also reflected in “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (DOJ Recipient LEP Guidance, June 18, 2002).

assist recipients in determining how best to comply with statutory and regulatory obligations -- to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient, to ensure against violation of Title VI's prohibition against national origin discrimination.

The LEP Guidance mandates “that recipients of federal funds, such as schools, take responsible steps to ensure meaningful access by limited-English proficient persons”; among the factors to be considered are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the recipient.²⁵

ii. Office of Civil Rights Decisions

The U.S. Department of Education’s Office of Civil Rights (“OCR”) enforces Title VI in the education context, specifically those requirements set forth above. Decisions issued by OCR set forth particular requirements for language access to parents, including the following: creation of a standardized system for translation of documents, a list of translators for all languages in the district and maintenance of a directory of qualified interpreters; translation of student handbooks, grade cards, and other notices; qualified interpreters at parent/teacher conference and other meetings that parents are invited to attend; interpreters at IEP meetings; notices to students including but not limited to newsletters, school calendars, student handbooks, report cards, progress reports, disciplinary notices, field trip notices, notices of social events, graduation

²⁵ LEP Guidance (DOJ 2002).

requirements, qualifications for extracurricular activities and athletics, and public address announcements; translation of documents provided to parents during the disciplinary process; translation of suspension notices, long-term notices and expulsion notices to parents; daily newspapers or bulletins distributed to students which contain information about school and district activities; dissemination of translations of all summer school announcements and parental information; and notification to all staff that they may not rely on other students for interpretation services nor assume that parents will either rely on family members for language assistance.²⁶

iii. No Child Left Behind Act of 2001

Title I of the No Child Left Behind Act of 2001 (“NCLB”) sets forth particular requirements for involving parents in the education of their children as a means to improve the academic outcomes of disadvantaged students. In carrying out the parental involvement provisions of the Act, “local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited

²⁶ These requirements are encompassed in the following OCR decisions: Brawley Union High School District (Docket No. 09-97-1030) 6/19/97; Denver Public Schools (Docket No. 08951023) 7/31/97; Palo Verde Unified School District (Docket No. 09-97-1272) 6/14/99; Long Beach Unified School District (Docket No. 09-97-1198.RES) 8/11/99; Enterprise Secondary School (ESS) (Docket No. 09981268.RES) 8/30/99; Fitchburg Public Schools (Docket No. 01-95-1171) 5/30/96; Arlington High School (Docket No. 01-95-1151) 2/1/96; Chester-Upland School District (Docket No. 03971093.LLA) 12/23/97; Faribault Area Public Schools (Docket No. 05971037) 7/15/97; Dallas Public Schools (Docket No. 06971512.RES) 11/09/99; Houston Independent School District (Docket No. 06971356.RES) 10/06/98; Garland Independent School District (Docket No. 06971235.RES) 03/01/99; DeSoto County School District (Docket No. 06971017.RES) 05/16/97; Grafton #3 School District (Docket No. 07991149) 9/7/99; Holcomb Consolidated School District (Docket No. 07961295.LLA) 12/23/96; University City School District (Docket No. 07961284.LLA) 4/2/97; Kansas City Unified School District #500 (Docket No. 07941175, 07951140, 07951142) 7/24/96; Teel Middle School (Empire Union School District) (Docket No. 09-96-1177) 9/17/97; Brawley Elementary School District (Docket No. 09-96-1026.RES) 6/16/98; Shoreline Unified School District (Docket No. 09-95-1369) 09/30/96; Toombs County School District (Complaint # 04-99-1153) 5/27/99; Volusia County School District (Complaint #04-96-1529) 1/17/97; Aiken County School District (Complaint #04-96-1388) 9/20/96; Osceola County School District (Complaint #04-96-1298) (8/20/96); Complaint #04-96-1136 (4/11/96); St. Vrain Valley School District (Docket No. 08991105.RES) 12/7/99; Sanders Unified School District (Docket No. 08981171.RES) 10/15/98; Washington Elementary School district #6 (Document No. 08951155.RES) no date; Val Verde Unified School District (Docket No. 09951178) 06/30/95.

English proficiency...including providing information and school reports...in a language and form such parents understand.”²⁷ This language access mandate also applies to the annual meeting that districts are required to convene, “to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved.”²⁸

Specifically, NCLB requires that the following information be provided to parents “to the extent practicable, in a language that the parents can understand”: a written parental involvement policy; notices and information regarding the parental involvement policy; information about programs under the parental involvement provisions of Title I; description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and school’s promotion policy; State, District and School Report Cards; information on child’s level of achievement in each of the State academic assessments; notification that parent may request information regarding the professional qualifications of child’s teacher and/or paraprofessional; if applicable, notice that child has been assigned to, or taught for four or more consecutive weeks by, a teacher who is not highly qualified as defined by Title I; and information related to school and parent programs, meetings, and other activities.²⁹

Title III of the NCLB governs the provision of services to ELLs and immigrant students. Pursuant to Title III, districts must notify parents before placing their children

²⁷ No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1118(f), <http://www.ed.gov/legislation/ESEA02/pg2.html#sec1118>.

²⁸ No Child Left Behind Act of 2001, P.L. 107-110, Title I, Section 1118(c)(1), <http://www.ed.gov/legislation/ESEA02/pg2.html#sec1118>.

²⁹ No Child Left Behind Act of 2001, P.L. 107-110, Title I, Sections 1111-1118.

in bilingual education or English as a Second Language (“ESL”) programs; such notices must provide a thorough explanation of the child’s placement issues including the student’s English proficiency, assessment method, educational status, educational needs and prospects, the nature and range of different available programs, instructional goals of the program, the benefits, nature, and past educational results of the program and the alternatives.³⁰ Title III clearly requires that such information be “in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.”³¹

B) New York State Regulations and Guidelines

New York State Commissioner’s Regulations Part 154 governs the provision of educational services to ELL students. This regulation clearly sets forth the responsibility of all school districts in New York State, including the largest school district in NYS, the NYC Department of Education, to “distribute to the parents, or other persons in parental relation to pupils with limited English proficiency, school related information in English or when necessary the language they understand.”³² Furthermore, Part 154 mandates that parents of ELL students “shall be notified, in English and the language they understand, of their child’s placement in an instructional bilingual or English as a Second Language program and their options.”³³

The current *Guidelines for Programs Under Part 154 of Commissioner’s Regulations for Pupils with Limited English Proficiency* (“ELL Guidelines”) issued by

³⁰ No Child Left Behind Act of 2001, P.L. 107-110, Title III, Sections 3302(a).

³¹ No Child Left Behind Act of 2001, P.L. 107-110, Title III, Sections 3302(c).

³² 8 N.Y.C.R.R. 154.3(c).

³³ 8 N.Y.C.R.R. 154.4(f).

the State Education Department sets forth districts' and schools' responsibilities for providing access to immigrant parents. The ELL Guidelines state that:

“[d]istricts must make every effort to ensure that parents of guardians of LEP students are made to feel welcome and comfortable in their children’s schools. Every effort must be made to establish a communication system which will allow parents or guardians to fully understand the school officials and directives. Parents of LEP children are often LEP themselves and usually unfamiliar with the New York State school system. It is the school’s responsibility to inform the parents of the school program and provide all other school related information in a language they understand.”³⁴

Under the ELL Guidelines, school districts must notify parents or guardians “of their child’s placement in the transitional bilingual education or free-standing ESL program. If one or both parents or guardians do not understand English, such notification and all school-related information must be made available to them in the language they understand.”³⁵

Additionally, school districts are required to make an effort to meet with the parents or guardians of ELLs at least twice a year to help the parents “understand the goals of the program and to show them how they might help their children with their educational program”³⁶ and “[e]very effort must be made to conduct these meetings in the language the parents or guardians understand.”³⁷

C) New York City Regulations and Policy

The New York City Regulations of the Chancellor (“Chancellor’s Regulations”) set forth the rights of students and parents in compliance with relevant federal, state and

³⁴ Guidelines for Programs Under Part 154 of Commissioner’s Regulations for Pupils with Limited English Proficiency (SED 1998), p.33.

³⁵ Id.

³⁶ 8 N.Y.C.R.R. 154.4(f).

³⁷ ELL Guidelines (SED 1998).

local laws, and govern the education of New York City’s schoolchildren. Chancellor’s Regulations relating to student promotion, student discipline, involuntary transfers, and parent associations specifically recognize parents as active partners in the education of their children and direct schools to communicate with parents in a language the parents understand.

Chancellor’s Regulation A-501 governing student promotions recognizes that “[p]arents must be integral partners in the education of their children. As such, parents must understand the levels of achievement necessary for promotion and be informed if their child needs intervention early in the school year.”³⁸ Regulation A-501 explicitly mandates schools to involve parents as partners in their child’s education:

“Schools will explicitly communicate to parents what students must know and the level at which students must perform in order to meet the promotion standards. Schools will also communicate the standard of attendance that students must maintain. Parents will be offered opportunities to participate in parent and family learning programs, to discuss the work and progress of their children and to play a role in their child’s academic success. An ongoing communication process will be utilized so that parents will know if and when specific interventions and/or alternative instruction are needed.”³⁹

In carrying out this communication with parents, Regulation A-501 directs that “to the extent possible, communication with parents should be in the home language.”⁴⁰

New York City Chancellor’s Regulation A-443 governing student disciplinary procedures and Regulation A-450 governing involuntary transfers both specifically direct that “any letter sent in connection with this Regulation should be sent, where feasible, in the parent’s preferred language or mode of communication.”⁴¹

³⁸ CR A-501.

³⁹ CR A-501.

⁴⁰ CR A-501.

⁴¹ CR A-443, fn. 3; CR A-450, fn. 3.

New York City Chancellor’s Regulation A-660 governs parent associations in the New York City schools. This Regulation directs that parents of students with disabilities, English Language Learners, and students in Title I programs “must be encouraged to join the [parent association] and given the opportunity to discuss matters of common interest to them and to the larger group.”⁴² In carrying out this mandate, parent associations “must consider the particular needs of parents who are themselves disabled or non-English proficient.”⁴³ Regulation A-660 specifically requires that, wherever possible, certain information relating to parent associations be provided in the language spoken by the parent. This information includes the parent association bylaws and instructions for ballots.⁴⁴

In October 2001, the New York City Board of Education (now named the Department of Education) adopted a resolution for the “Establishment of Policy on Provision of Translation and Interpretation Services for Limited-English Speaking Parents,” resolving that “a new system-wide translation and interpretation policy be established to better enable parents to participate in their children’s education.” In adopting this resolution, the members of the Board of Education recognized that “communicating with parents is a fundamental component of their children’s overall academic success”⁴⁵ and explained that “[i]n the school life of a student, there are many situations in which the parent must be involved. If that parent does not speak English, the

⁴² CR A-660 (I)(E)(2)(a).

⁴³ CR A-660 (I)(E)(2)(a).

⁴⁴ CR A-660 (I)(B)(2), (I)(D)(2).

⁴⁵ Resolution Adopted by the New York City Board of Education, “Establishment of Policy on Provision of Translation and Interpretation Services for Limited-English Speaking Parents,” October 17, 2001.

communication can come to a dead end if some action is not taken to bridge the language gap. This policy...strives to bring a consistent commitment to parent communication.”⁴⁶

Despite the passage of this resolution, which took years to come to vote, and after extensive thought and work done through a Board of Education committee structure, no implementation of this resolution has occurred. As of February 2004, no further steps have been taken to create, adopt or implement a comprehensive translation and interpretation policy and service structure, leaving New York City’s limited English proficient parents without critical information about their children’s education.

D) Additional Requirements for Parents of Students with Disabilities

Federal and state law provides additional protections for limited English proficient parents of special education students. The Individuals with Disabilities Education Act requires a “detailed notice provided to parents at any time that it proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of education services to the child “in the native language of the parents, unless it is clearly not feasible to do so.”⁴⁷ Furthermore, a procedural safeguards notice that includes a full explanation of all the procedural safeguards afforded to parents and students must be provided in the native language of the parent.⁴⁸

The New York State Education Commissioner’s Regulations Part 200 governing the education of students with disabilities also requires that certain information be provided in the native language of the parent, including a procedural safeguards notice,⁴⁹

⁴⁶ Id. (Explanation section).

⁴⁷ Individuals with Disabilities Education Act, P.L. 105-17, Section 615(b).

⁴⁸ Individuals with Disabilities Education Act of 2003, P.L. 105-17, Section 615(d).

⁴⁹ 8 N.Y.C.R.R. 200.5(f)(2).

referral for or withdrawal of referral for special education,⁵⁰ and written prior notice to parents before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of educational services.⁵¹ In fact, Commissioner’s Regulations Part 200 define consent as when “the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought.”⁵²

The school district must also take whatever action is necessary to ensure that the parent understands the proceedings at the meetings of the Committee on Special Education, including arranging for an interpreter for parents whose native language is other than English.⁵³ In addition, at all stages of the impartial hearing process, where required, interpreters fluent in the native language of the student’s parent shall be provided at the district’s expense.⁵⁴

Finally, the current *Guidelines for Services to Students with Limited English Proficiency and Special Education Needs in New York State* issued by the State Education Department requires that “a bilingual professional should be obtained for all conferences with parents” and that the student’s Individualized Education Plan and all evaluations “be provided in the parent’s preferred language.”⁵⁵

The laws, regulations, guidances, and decisions discussed in this section all establish clear rights to language access for parents. However, according to the survey

⁵⁰ 8 N.Y.C.R.R. 200.4.

⁵¹ 8 N.Y.C.R.R. 200.5(a)(4).

⁵² 8 N.Y.C.R.R. 200.1(l)(1).

⁵³ 8 N.Y.C.R.R. 200.5(d)(5).

⁵⁴ 8 N.Y.C.R.R. 200.5(i)(3)(v).

⁵⁵ New York State Education Department, “Guidelines for Services to Students with Limited English Proficiency and Special Education Needs in New York State,” (SED 1991).

results discussed in Part B, it is clear that policy and practice widely diverge when it comes to the implementation of language access rights.

PART B: SURVEY FINDINGS

1. Overview of Past Surveys Regarding Language Access

Other surveys and reports conducted in the past few years in New York City have made evident that lack of access to the school system due to the deficiency of translation and interpretation services is an urgent and fundamental problem confronting immigrant parents.

In 2000, Advocates for Children and the New York Immigration Coalition surveyed 650 students and 457 parents regarding the provision of information regarding the new student promotion policy.⁵⁶ Some of the questions centered on language translation and interpretation services. According to the survey results, there was virtually no communication about the new standards, the multiple criteria for promotion, and the Regents and graduation requirements for grades 9 to 12 to parents whose native or home language was not English. For example, although the pamphlet “What Did You Learn in School Today?” that explains the educational standards for each grade was available in Spanish, Chinese, Russian, Haitian-Creole, Bengali, and Korean, only 12% of the students and 9% of the parents indicated that they were aware that the pamphlet was available in any of these languages, and only 20 of the 650 students surveyed and 8 of the 457 parents surveyed indicated that they had received the pamphlet in a language other than English. In addition, correspondence to parents about possible grade retention and mandatory summer school was also rarely sent in languages other than English, based on the survey results. Only 22% of the parents whose home or native language

⁵⁶ Advocates for Children and the New York Immigration Coalition, “Playing by The Rules When The System Doesn’t: Immigrant Families and Summer School in New York,” August 25, 2000.

was not English reported that they had been notified of their child's possible retention in their home language.⁵⁷

Further surveys of parents and students conducted in the summer of 2001 by Advocates for Children showed that language barriers for parents in the schools continued to be an overwhelming problem. This much smaller survey of 50 parents and 43 students found similar results as the year before, with only 20% of respondents whose home or native language is not English indicating that they had been notified of their child's possible retention in their home language.⁵⁸

In 2001, the New York City Board of Education conducted its own Parent Survey on a wide range of issues including translation and interpretation issues. 20,664 parents responded to the survey, including 4,595 who were limited English proficient. The results of the survey indicated a serious lack of translation and interpretation services for parents, albeit at lower rates than the surveys described above. The Board survey found that 31% of parents said they did not receive interpretations at meetings even though they required them. Eighteen percent of parents reported that they did not receive report cards in a language they understood, and 19% reported that they did not receive other written school-related materials in a language they understand. Furthermore, a disturbing 44% of parents of ELL students were not fully aware of how their child's placement in bilingual or ESL programs was determined.

Most recently, in August 2003, the Milano Graduate School of the New School University released a report entitled "Newcomers Left Behind: Immigrant Parents Lack

⁵⁷ Advocates for Children, p.4-5 (2000).

⁵⁸ Advocates for Children, 2001.

Equal Access to New York City's Schools."⁵⁹ The findings were based on a survey of 294 limited English proficient parents in New York City. The report found, among other things, that 63% of parents surveyed had never received any information from the Department of Education in their native language.

These surveys from a variety of sources all indicate a past history of serious language access problems for New York City's limited English proficient parents. The survey findings laid out in Part B, Section 3 confirm the seriousness of language access issues today and demonstrate that the Department of Education has routinely failed to communicate with parents in their home language on issues relating to the education of their children. The time has come to not only recognize this problem but to act upon it.

2. Description of Survey and Methodology

The survey instrument used for this report questioned parents about their language proficiency and the translation and interpretation services they received in their various efforts to communicate with the school, participate in school activities, and learn about their children's education. The survey was translated into seven languages: Spanish, Chinese, Korean, Russian, Haitian Creole, Bengali and Arabic. The survey instrument is found in Appendix A.

The survey was administered by the following community-based organizations: Committee for Hispanic Children and Families, Comprehensive Development, Inc., Latin American Integration Center, Make the Road by Walking, Metropolitan Russian American Parents Association, South Asian Youth Action, Westchester Children's

⁵⁹ Mia Lipsit, "Newcomers Left Behind: Immigrant Parents Lack of Equal Access to New York City's Schools," Center of New York City Affairs, Milano Graduate School of Management and Urban Policy, New School University, August 2003, p. 7.

Association, the YWCA/Flushing Branch, Project Reach Youth, Chinese-American Planning Council, Safe Space, Brooklyn Chinese-American Association, and Young Korean American Services & Education Center. The survey was either conducted in person by a member of the community-based organization with the parent or completed by the parent independently using a translated survey.

In addition to using the English and translated language access surveys, one EMPIRE group, Make the Road by Walking, created a student survey and administered it to high school students. Students were asked to answer all the same questions about their parent(s) as parents who took the survey. Students, however, were not asked to identify their school, region, or parent contact information. The student survey instrument is found in Appendix B.

3. Survey Findings

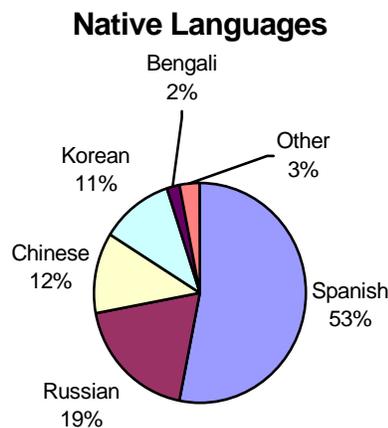
A) Demographic Characteristics of Survey Respondents

A total of 970 surveys were received by students and parents in New York City, Westchester, and Long Island. Of them, 915 surveys were received by parents with children in 262 different schools and 55 were received from high school students who did not identify their school. Eight hundred and thirty-two surveys, or 86% came from parents or high school students in New York City. Parents with children in Kindergarten through 8th grade comprised 73% of survey respondents. The remaining 27% of surveys were received from student respondents and parents with children in high school.

Thirteen school districts in New York State were represented in the language access survey: New York City, ten school districts in Westchester County, and two

school districts in Long Island. In New York City, the largest school district in the country, all ten school regions were represented. Fifty-three (7%) parents have children who attend schools in Region 1, 9 parents (1%) in Region 2, 153 parents (21%) in Region 3, 137 parents (18%) in Region 4, 11 parents (1%) in Region 5, 51 parents (7%) in Region 6, 163 parents (22%) in Region 7, 95 parents (13%) in Region 8, 70 parents (9%) in Region 9, and 3 parents (0.4%) in Region 10. In addition, 124 parents have children who attend Westchester schools in ten different school districts, and 2 parents have children who attend Long Island schools.

A total of 22 languages were identified by student respondents and parents as the native language of the parent, with Spanish being the native language for over half (53%) the parents. The remainder of respondents identified Russian (19%), Chinese (12%), Korean (11%), Bengali (2%), and Ukrainian (1%). Less than 1% identified Arabic, Punjabi, Farsi, Haitian Creole, French, Japanese, Polish, Burmese, Gujarati, Hindi, Pashto, Thai, Tibetan, Urdu, Wolof, and Yoruba as the native language.



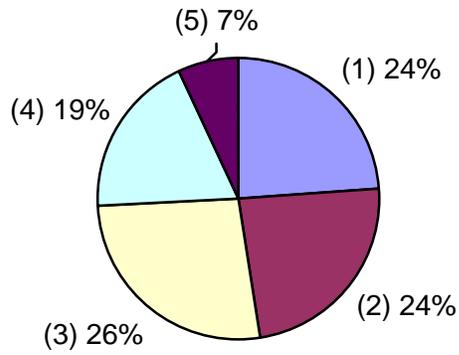
Of the 970 surveys received, 35% reported that the student is currently in an ESL class, bilingual education program, or both (228 in an ESL class; 108 in a bilingual education program; 6 in both). An additional 58 surveys reported that the student had previously been in either an ESL class or bilingual education program.

Parents taking the survey were asked to rate their own ability to speak, read, write, and understand English on a scale of 1 to 5, with 1 being “not at all” and 5 being “very well.” They were also asked to rate the English proficiency of their spouse, when applicable. Students taking the survey were asked to rate their parent(s) on the same English abilities.

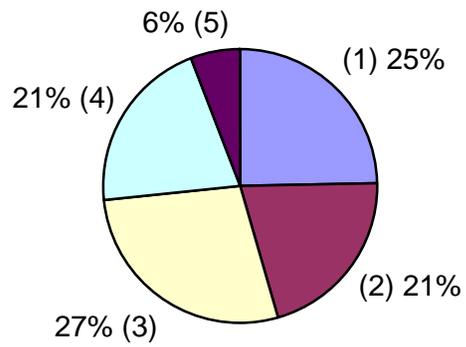
Since the survey was targeted to parents with limited English proficiency and students with parents of limited English proficiency, it is not surprising that the level of English proficiency reported was overwhelmingly below a 5. Three-quarters of parents and students taking the survey reported that they themselves or their parent speak English at a level of 1, 2 or 3 (1- 24%; 2- 24%, 3- 27%), while only 26% reported that they spoke English well to very well (4- 19%, 5- 9%). Seventy-four percent of parents and students taking the survey reported that parents read English at a level of 1, 2 or 3 (1-25%; 2- 21%; 3- 28%), and 27% at a level of 4 or 5 (4- 21%, 5- 6%). Seventy-two percent of parents and students taking the survey reported that parents write English at a level of 1, 2 or 3 (1- 29%; 2- 21%; 3- 26%), and 24% at a level of 4 or 5 (4- 19%, 5- 5%). Sixty-four percent of parents and students taking the survey reported that parents understand English at a level of 1, 2 or 3 (1- 19%; 2- 20%; 3- 25%), and 37% at a level of 4 or 5 (4- 23%, 5- 14%).

Approximately 85% of surveys were received from parents who rated the English level of their spouses or by students who rated a second parent. Sixty-seven percent of spouses or second parents speak English at a level of 1, 2 or 3 (1- 18%; 2- 20%; 3- 29%), and 33% spoke English well or very well (4- 23%, 5- 10%). Sixty-nine percent read English at a level of 1, 2 or 3 (1- 20%; 2- 20%; 3-29%), and 31% read well or very well (4- 23%, 5- 8%). Sixty-nine percent write English at a level of 1, 2 or 3 (1- 23%; 2- 21%; 3-25%), and 30% write well or very well (4- 21%, 5- 9%). Forty-five percent understand English at a level of 1, 2 or 3 (1- 15%; 2- 15%; 3-25%), and 50% understand English well or very well (4- 25%, 5- 25%).

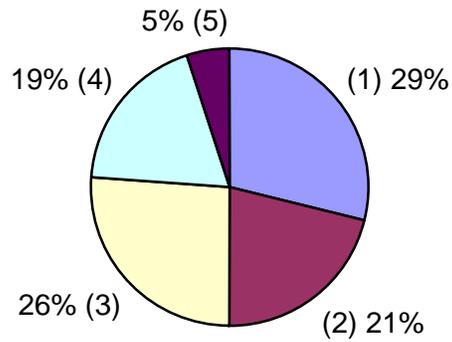
**How well parents speak English
(1= not at all; 5= very well)**



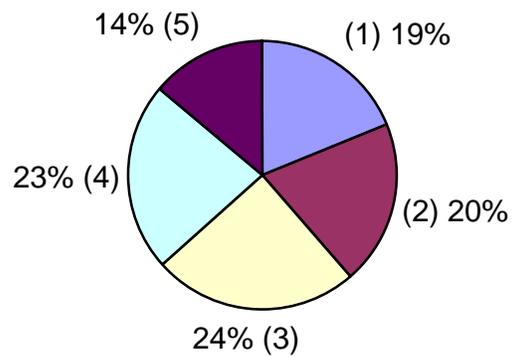
**How well parents read English
(1= not at all; 5= very well)**



**How well parents write English
(1= not at all; 5= very well)**



**How well parents understand English
(1= not at all; 5= very well)**



B) Overall Survey Findings for New York State

“M.L. has an 11 year-old daughter who is currently repeating 3rd grade and at risk for being left back once more. Maria says that she never receives correspondence in Spanish, and she doesn't know which papers she has signed. What she knows is that she has repeatedly tried to find information that allows her to understand her child's difficulties and the services she is eligible for, but has a really hard time because of lack of interpreters at the school. More importantly, because she does not understand the important documents that her school sends and she has signed, and sometimes she does not sign them for the same reason. Although the school principal speaks Spanish and her child's previous teacher also spoke Spanish, she feels discriminated against when she visits the school and has to wait and wait for someone to translate a simple question. Sometimes she brings a bilingual neighbor, and often she relies on her daughter for help understanding what is being said.”
- Staff Member, *Make the Road by Walking*

i. Translation and interpretation services

Although schools are required to communicate with parents in their native language,⁶⁰ translations and interpretations of school-related information proved hard to come by for the parents surveyed. Nearly one-half (47%) of surveys received from parents and students reported that the parent “never” or “rarely” receives written information from the school, school district, or the NYC Department of Education translated into their native language. Only 12% reported that the parent “always” receives such translations. Twenty-seven percent of surveys reported that the parent receives information “sometimes” and 15% “most of the time.”

Oral interpretation services at schools were even scarcer according to survey participants. The majority (56%) of surveys reported that the parent “never” or “rarely” receives oral interpretation of school-related information in the native language. Once again, only 12% of surveys reported that the parent “always” receives interpretation

⁶⁰ supra Part A, Section 3.

services. Twenty-one percent “sometimes” receive interpretations and 12% receive it “most of the time.”

"I tried to go to a PTA meeting at my older son's school last winter. A school volunteer who happened to be at the meeting was translating for me, but when the PTA president, who does not speak Spanish, heard her, she actually asked her to stop translating because it made her uncomfortable not knowing what was being said. I have not gone back since. Why should I if I can't participate? It's a problem with both of my sons. Parent teacher conferences... school performances... almost all of these happen in English." – N.R., Brooklyn parent of 8th grader

Additionally, 41% percent of surveys reported that the parent has had to use his/her child or another student as an interpreter at school in order to speak to a school staff member. This is at odds with OCR decisions that make clear, that in order for an educational agency to be in compliance with Title VI of the Civil Rights Act,⁶¹ schools may not rely on other students for interpretation services or assume that parents will rely on family members for language assistance.

Further, despite the clear mandate of both Title III of the NCLB and Part 154 of the New York State Commissioner’s Regulations governing communications to parents of ELL students regarding their ELL children’s educational placement in languages they understand, a striking 34% of the 342 survey respondents who identified their child to be an ELL (i.e. enrolled in an ESL class, bilingual education program, or both) had not received this information in their native language. In addition, Part 154 requires that all school related information be distributed to these parents in language they understand.⁶² It is apparent from the survey results that the Department of Education is not fully complying with this mandate.

⁶¹ 8 N.Y.C.R.R. 154.3(c)

⁶² 8 N.Y.C.R.R. 154.3(c)

ii. Communication with school

Significantly, many parents who take the initiative to access their children's school to obtain information about their children's education are thwarted in their efforts due to the lack of language assistance, in violation of schools' legal responsibility to permit this access. According to parent and student surveys, a majority of parents have made attempts to contact their child's school by phone (56%) and in person (63%). Sixty percent of the time, however, schools used only English in response to parents making the effort to communicate, despite these parents' need for mandated interpretation services.

*"Every time I wanted to call, someone would pick up the phone in English and didn't understand me...I had a lot of problems with her school bus. She was always getting picked on and when I wanted to call the school bus company or matron she never helped me. They didn't speak Spanish."
- parent of 6th grader receiving special education services*

One quarter of parents (26%) as reported in the surveys have tried to obtain information about their child from the school and were unable to get the information because no one spoke their language.

"I do not try [to obtain documents] at that school because I can't communicate with anyone in that school...I am totally uninformed about the education of my child. I don't know how to help my child." – parent of 6th grader in an ESL class

iii. Asked to sign documents not written in their language and did not understand

When asked if the student's school has ever asked the parent to sign documents asking for their consent that are not in the native language and the parent did not understand what s/he was signing, one quarter (26%) of survey participants responded

affirmatively. It is clear that these parents are not being given the opportunity to make informed decisions about their children’s education, in violation of law. For example, Title III of the NCLB, Commissioner’s Regulations Part 154, Chancellor’s Regulation A-443 relating to student discipline, Chancellor’s Regulation A-450 relating to involuntary transfers, and Commissioner’s Regulations Part 200 governing the education of students with disabilities,⁶³ all specifically govern situations in which parental consent is required prior to the point when schools can take action relating to their children and require information to be provided to parents in their native languages.

“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.” - 3rd grade parent, P.S. 150

iv. Participation in school activities

In order to comply with the non-discrimination provision of Title VI of the Civil Rights Act, “school districts have the responsibility to adequately notify national-origin minority group parents of school activities that are called to the attention of other parents, and that such notice in order to be adequate may have to be provided in a language other than English.”⁶⁴ When those surveyed were asked if the parent actively participates in school activities, 43% of respondents reported that the parent does, despite the widespread lack of translation and interpretation services. When asked if the parent *would* actively participate if language services were available, however, 76% of surveys reported that the parent would. This is significant in light of the requirements for parental

⁶³ supra Part A, Section 3.

⁶⁴ May 25, 1970 Memorandum (U.S DOE, OCR).

involvement and access set forth in Title VI, corresponding OCR decisions, and Chancellor's Regulation A-660 governing parental involvement in school parent associations, as well as the parental involvement provisions and parents' right to make decisions regarding their child's program placement set forth in Title I and Title III of the NCLB, if their children qualify for services under this act.

Not only are language services grossly lacking, but the survey results indicated that parents feel negatively affected by this lack of service. Nearly half (47%) of the parents and students surveyed feel that their families have been harmed by the lack of language services at school.

<p>Does your family feel that it has been or is being harmed by the lack of services? <i>"Yes, one feels without authority in front of the children." – 7th grade parent, P.S. 291</i></p>

Furthermore, when respondents were asked if they were aware of other parents who do not speak or read English well and who do not receive school-related information in their native language, over half (52%) of the surveys reported that they do, further supporting that this problem is widespread.

C) Survey Findings in New York City

Out of the 970 total surveys received, 832, or 86% were from parents or high school students in New York City. It became evident that the denial of language access to immigrant parents is more severe for those who have children in New York City schools when compared to overall findings.

Over half (51%) of surveys received by parents and students reported that the parent “never” or “rarely” receives written information from the school, school district, or Department of Education translated into their native language. Only 9% reported that the parent always receives written translations.

“In an ESL class held at a community center in upper Manhattan I interviewed 50 parents of ELL students whose native languages were Russian, Japanese, Spanish and Bengali and learned that none of them receive translated information about their child’s education from their school in their native language.” -Jesse Taylor, Latin American Integration Center, Inc., Youth Organizer

Consistent with the overall findings, oral interpretation services at schools were at a greater deficit than written translation services, except that the problem was even more grave for parents of students attending school in New York City. Sixty-one percent of surveys reported that the parent “never” or “rarely” receives oral interpretation of school-related information in the native language. A mere 7% reported that the parent “always” receives interpretation services.

*“Usually [the] school calls [the] cook (Columbian) to interpret.”
– 9th grade parent, Fox Lane High School*

Furthermore, of the 232 surveys that identified that the New York City student was in an ESL class, bilingual education program or both, 42% reported that the parent had not received information regarding either program in their native language.

Finally, while the majority of parents have attempted to contact their child’s school by phone (54%) and in person (61%), schools used only English to respond to the parents 67% of the time.

i. Survey Findings by the 10 New York City Regions

Survey results were analyzed by school region for Regions 1 through 9. Region 10, although represented, was excluded because there were only 3 respondents.

Translation of written information

The problem of parents not being provided with written translation of school-related information is found throughout all nine regions, with the number of parents who do not receive translation services significantly outnumbering those who do receive services. Parents who receive translated information “never” or “rarely” in their native language greatly outweighed those who “always” receive such information. In Region 3, for example, which had the second largest number of survey respondents, 99 out of 153 parents (67%) “never” or “rarely” receive translated school-related information, while only 3% “always” receive such information. The majority of parents in Region 2, 5, and 7 “never” or “rarely” receive translated information, with 66%, 56%, 66%, respectively, of parents not receiving this information.

Do you receive written information translated into your native language?									
REGION	1	2	3	4	5	6	7	8	9
Never	18%	22%	52%	37%	50%	28%	34%	23%	16%
Rarely	14%	44%	15%	10%	0%	46%	32%	12%	4%
Sometimes	14%	0%	9%	26%	30%	14%	25%	26%	68%
Most of the time	33%	11%	21%	15%	10%	2%	3%	22%	6%
Always	22%	22%	3%	13%	10%	10%	6%	17%	6%

Provision of oral interpretation

The lack of oral interpretation services is even more severe than lack of translation services across all nine Regions of New York City. Parents who “never” or

“rarely” receive oral interpretations of school-related information in their native language far outnumbered those who receive such information consistently. In Region 7, which had the largest number of respondents, nearly 75% of the 163 parents said that they “never” or “rarely” receive oral interpretations in their native language, while only 20% said that they “sometimes” or “most of the time” receive them, and a mere 6% “always” receive interpretations. The number of parents who “always” receive interpretation of school-related information barely reached 10% in any of the regions. These results are significant in light of the clear legal mandates for communication with parents in their native language.

Do you receive oral interpretation of school-related information in your native language?									
REGION	1	2	3	4	5	6	7	8	9
Never	24%	78%	69%	47%	45%	60%	58%	26%	20%
Rarely	10%	0%	11%	10%	0%	28%	16%	14%	6%
Sometimes	22%	11%	6%	16%	27%	8%	14%	40%	61%
Most of the time	36%	11%	14%	10%	18%	4%	6%	10%	5%
Always	8%	0%	1%	10%	9%	0%	6%	9%	8%

These reports of such an insufficiency of oral interpretation services made it logical but no less disturbing that in five of the nine regions, approximately half the parents reported that they have had to use their child or another student as an interpreter at school. Again, this poses significant problems in light of the OCR decisions stating that this violates Title VI of the Civil Rights Act. In another two regions, a third of parents reported that they have had to find their own interpreters in order to communicate

with their child’s school, in spite of the mandate for the school system to provide these services.

“Sometimes the police officers in the school speak Spanish. One time I needed to speak with my son in school and I could not convey this message. When my son had to go to an after school program, the counselor called me in to a meeting and my son translated for me.” – parent of 6th grader in an ESL class, Port Richmond High School

Participation in school activities

While the ratio of parents who actively participate in school activities ranges from 22% in Region 9 to 91% in Region 5, parents who would actively take part in school activities if language services were available comprise a majority in all but one of the nine Regions.

Do you actively participate in school activities? Would you, if language services were available?									
REGION	1	2	3	4	5	6	7	8	9
actively participate	71%	78%	36%	50%	91%	53%	35%	48%	22%
would actively participate	89%	89%	65%	90%	64%	73%	70%	65%	34%

Harmed by lack of services, scope

In seven out of nine regions, over 45% of parents feel their families have been harmed by the lack of language services, with numbers as high as 82% in Region 5. In the remaining two regions, Region 8 and 9, approximately 30% of parents feel that the lack of translation and interpretation in their native language has harmed them.

The scope of the shortage of language services appears far broader than the pool of parents we surveyed. The majority of parents (ranging from 52% to 82%) in six regions, 32% in Region 6 and 45% in Region 8 know of other parents who do not receive school-related information in their language.

Does your family feel that it has been or is being harmed by the lack of services? Do you know of any other parents who do not speak/read English well and do not receive school-related information in their language?									
REGION	1	2	3	4	5	6	7	8	9
feel harmed	59%	63%	46%	63%	82%	45%	64%	31%	29%
know other LEP parents	60%	0%	61%	64%	82%	32%	52%	45%	70%

D) Survey Findings by Language

Spanish, Russian, Chinese and Korean were the most represented languages among survey respondents. While a significant number of Spanish and Chinese speaking parents “never” or “rarely” receive written translation or oral interpretation, a considerably greater percentage of Russian and Korean speaking parents “never” or “rarely” receive language services. One notable difference between parents who speak different languages was their indicated English proficiency level. While the largest percentage of Spanish and Chinese parents rated their speaking, reading, writing, and understanding levels of English to be 1 or 2, the majority of Russian parents rated themselves 3 or 4, and the majority of Korean parents rated themselves 2 or 3.

How well do you speak English?				
	Spanish	Russian	Chinese	Korean
1	34%	2%	38%	5%
2	26%	7%	36%	31%
3	22%	32%	20%	47%
4	12%	48%	3%	17%
5	6%	11%	3%	1%

Spanish

Spanish-speakers comprised the majority of survey respondents, with 510 parents (53%) identifying Spanish as their native language. A greater demand in numbers for language services did not yield better access, however. Nearly twice as many parents “never” or “rarely” (30%) receive translated written school-related information as parents who “always” (16%) receive such information.

The same is true for oral interpretation: 40% of Spanish-speaking parents “never” or “rarely” receive interpretations of school-related information, while only 20% of parents “always” do. In response to the lack of services, 52% of parents have had to use their child or another student as an interpreter at school.

“I have eight daughters, six of whom are in public schools in New York City. I cannot speak English. It is very upsetting to not be able to understand important information about my children. In my oldest daughter’s school, I.S. 291, the parent coordinator does not even speak Spanish, even though I live in a mostly Latino community, where many families are Spanish-speaking. After parents complained, the parent coordinator finally put her voicemail message in Spanish, so people can at least understand that they should leave a message for her in Spanish. We shouldn’t have to fight for something like that. If the school wants immigrant parents to be involved, they should think about things like that when they are selecting Parent Coordinators for schools which serve the children of immigrant families.” -A.C., Brooklyn parent

Although 47% of Spanish-speaking parents who called their child's school or visited in person were spoken to in their native language, 41% were spoken to in English. Twelve percent were spoken to in both English and Spanish.

"E.T. is an 18-year-old student at Curtis H.S....He comes from Peru and the last year he completed there was 12th grade with 2 months left to finish. His mother did not receive any information in Spanish and does not know which documents she signed. When his parents decided to register him in school, he was not tested and was placed in the ninth grade. [His mother] has asked for help but no one has helped to evaluate him and place him where he belongs. Why isn't there anyone available to speak to her in Spanish?"
- Staff Member, Latin American Integration Center, Inc.

Spanish-speakers comprised the largest number of students in bilingual education programs and ESL classes. Of the 137 students currently in an ESL class, 40% of their parents had not received information about the program in their native language.

Similarly, of the 93 students in a bilingual program, 33% of their parents had not received any explanation of the program in a language they can understand. Again, this is in blatant violation of the mandates of Title III of the NCLB and Commissioner's Regulations Part 154, which require that parents of ELL students be provided school-related information in a language they understand.

On a heartening note, nearly half (48%) of Spanish-speaking parents already actively participate in school activities. However, if translation and interpretation services were available, the number of parents who would be actively involved jumped to 84%.

Russian

Translations and interpretations seemed to be least available to Russian-speaking parents. Out of 179 Russian-speaking survey respondents, an alarming 80% “never” or “rarely” receive translated written information and 91% “never or “rarely” receive oral interpretation. Furthermore, while 75% of parents have tried to contact the school by phone and 57% have tried in person, 97% of parents said that English was the language schools utilized to communicate with them, and therefore they were unable to obtain the kind of access to which they are entitled. This poses a serious problem in light of the fact that Russian is the third most common language spoken in New York City.

In contrast to parents who speak other languages and despite the obvious lack of interpretation services, Russian-speaking parents seldom used their children or other students as interpreters at schools, with only 9% of surveys reporting that they have had to do so in the past.

Forty-six percent of Russian parents stated that they are actively involved in school activities, but once again, the number of parents who would participate increased to 67% if language services were available.

Over half (56%) of Russian parents felt their families have been harmed by the lack of services and 31% know of other LEP parents who do not receive school-related information in their language.

Chinese

Fifty-seven percent of parents reported that they are spoken to in Chinese when they call the school or visit in person and 13% are spoken to in both English and Chinese.

While far from demonstrative of full compliance with the law, these numbers are higher than those for any other language. This may be attributed to the fact that nearly three quarters (36 out of 50) of the Chinese speaking parents who responded that Chinese was used to communicate with them have children who attended one of three schools known to have a disproportionate number of Chinese immigrant students: Manhattan Comprehensive Night & Day School, P.S. 94 in Brooklyn, and Liberty High School Academy for Newcomers. These schools appear to be doing the job of language translation and interpretation better than most and should be applauded for their work, though it is clear that system-wide improvements are necessary.

E) Survey Findings by Grade Level in New York State

The vast majority of parents have children in pre-Kindergarten through 8th grade (73%) in 209 different schools, while 27% of students attend 53 different high schools. (Only pre-Kindergarten classes run by the New York City Department of Education were included in the analysis.)

Translations and Oral Interpretation

Nearly half (47%) the parents of children in pre-K, elementary, and middle school “never” or “rarely” receive written information translated into their native language, while only 14% “always” receive such information. Even more inadequate are oral interpretation services, with 56% of parents “never” or “rarely” receiving interpretation and only 14% “always” receiving oral information in their native language.

High schools are lacking even more severely in language services, with only a mere 4% of parents “always” receiving translated information and 7% “always” receiving

oral interpretation. Once again, a sizable number of parents “never” or “rarely” receive neither written translations (47%) nor oral interpretations (56%). These results are striking in light of the host of legal language access requirements, specifically Chancellor’s Regulation A-501 governing student promotions, an issue that takes on heightened importance at the high school level.

Do you receive written information translated into your native language?		
	PreK-8	High School
Never	29%	35%
Rarely	18%	12%
Sometimes	21%	41%
Most of the time	17%	8%
Always	14%	4%

Do you receive oral interpretation of information in your native language?		
	PreK-8	High School
Never	45%	37%
Rarely	11%	19%
Sometimes	17%	30%
most of the time	13%	7%
Always	14%	7%

Part C: Best Practices from Other School Districts

It is evident that a comprehensive language access policy and service structure for parents must be implemented to provide parents with meaningful access to schools and to improve the education of our children. Other large school systems such as Los Angeles and Seattle have established successful practices that may serve as a model for New York City.

1. Los Angeles Unified School District

The Los Angeles Unified School District is the second largest district in the nation, serving approximately 750,000 students. The Los Angeles Unified School District has established a Translation Unit to serve the needs of language minority parents. The Unit's Interpretation Department offers interpretations in the following languages: Armenian, Mandarin, Cantonese, Russian, Korean, Spanish, Vietnamese, Polish, and Hebrew. The Unit's Translation Department offers translations in the following languages: Armenian, Chinese, Korean, Russian Spanish, and Vietnamese.

The Translation Unit itself staffs translators in the major languages within the district, which are Armenian, Chinese, Korean, Russian, and Spanish. When the need for other languages arises, the Translation Unit contracts out to private providers. The Translation Unit provides interpreters at all major meetings including Town Hall meetings and Board of Education meetings. Interpreters for 1:1 conferences with parents are provided at parents' requests to the school. In addition, the Translation Unit is a centralized place where school personnel and district officials may request information,

letters, and forms to be translated. Funding for this office is \$5 million that is extracted from the District's general budget. The budget serves approximately 800 schools.⁶⁵

2. Seattle School District

The Seattle School District is comprised of 46,000 students and 103 schools. It has established what appears to be an effective centralized language access system. The Seattle School District has established a Bilingual Family Center ("BFC"). The BFC has a diverse language staff that assists parents and guardians who have limited or no English skills, regardless of the English proficiency of their children. Staff at the BFC can assist parents in Amharic (Ethiopia), Chinese, Ilokano (Philippines), Lao, Somali, Spanish, Tagalog, Thai, Tigrigna (Ethiopia), and Vietnamese. The Seattle Public Schools' Bilingual Family Center website is also translated into Amharic, Chinese, Lao, Somali, Spanish, Tagalog, Tigrigna, and Vietnamese.

Seattle has also created a centralized system of approximately 200 Bilingual Instructional Assistants ("BIAs") that provide translation and interpretation services in the school district. The BIAs have other para-professional duties, but are hired with the expectation that they will provide translation and interpretation services. The BIAs receive extra compensation for their interpretation and translation services. They provide interpretations during school hours and conduct translations outside of the regular workday, for which they are paid time and a half. These persons are based in particular schools and the central office coordinates requests from other schools for the services of the BIAs. The Seattle School District has succeeded in hiring at least one person from

⁶⁵ Source: Mr. Gary O'Connell, Translation Unit; www.translationunit.com.

every language group of the parents, including the newer languages, such as the East African languages of Tigrigna and Amharic.

The BIAs have also created a document called “Cultural Cues” that explains cultural norms in order to help teachers better respond to, understand, and communicate with parents with limited English proficiency. This information has been distributed to teachers and schools. In addition, The Seattle School District recently conducted a one-day focus groups of language minority parents in its efforts towards creating a Handbook of Best Practices to Increase Bilingual Parent Involvement, which will be distributed to teachers and parents.^{66,67}

The system is funded through federal funds, including funds received under Title III of the No Child Left Behind Act, as well as state funds specified for bilingual programs. Additional funds needed for translation services offered outside the regular hours are provided from school-based funding. Schools are aware of their responsibility to allocate a certain amount of funds to pay for these services.

The result of this policy on parent involvement apparently has been quite positive. Schools that have measured the attendance at parent teacher conferences before and after the implementation of the policy have seen improvement in attendance of limited English proficient parents.⁶⁸

⁶⁶ Source: Ms. Adie Simmons, Manager of Family Partnerships Project, Seattle Public Schools; <http://www.seattleschools.org/area/bfc>.

⁶⁷ The school district partnered with community-based organizations that serve refugee and recent immigrant populations. Each CBO recruited parents for the focus group, and then the parents were divided into 10 groups by language groups. The majority of the 140 parents that attended were recent immigrants. The event was held from 5:30-8:00pm and bus transportation from different pick-up locations around Seattle was arranged and paid for by the Family Partnerships budget. Dinner was provided to the parents at no cost. Source: Ms. Lauren Rachal, Seattle Public Schools Family Partnerships Project, Specialist. February 2, 2004.

⁶⁸ According to Ms. Adie Simmons, Manager of the Family Partnerships Project of Seattle Public Schools, the availability of these services also provides trust and confidence to parents. Telephone conversation on February 2, 2004 by Helen O'Reilly, Advocates for Children Staff Member.

Last school year, 800 surveys in six languages were distributed to Seattle's limited English speaking parents by mailing these surveys to the parents' home. Over 500 parents responded and gave suggestions about parent involvement. The number one issue that limited English proficient parents raised was the quality of the education that their children are receiving and their desire to be informed in a timely matter of the progress of their children.

Part D: Conclusion and Recommendations

The need for language translation and interpretation services in New York is clearly laid out in this report as well as a number of other surveys and reports in the last few years. The violation of federal, state and local laws and regulations are also set out. It is clearly time for action to be taken.

1) Create a Clear Language Access Policy for New York State

The New York State Education Department should issue clear guidance to all New York school districts regarding the minimum requirements for language translation and interpretation. Schools must be held accountable for meeting these requirements. State regulations should be amended to clarify that language assistance is required to all LEP parents, not only to parents of LEP/ELL students. The New York State Education Department (SED) should provide translations of all SED produced materials intended for parents to school districts across the state, and should provide a centralized translation resource for non-New York City schools.

2) Create A Comprehensive Language Translation and Interpretation Program in New York City

New York City, the largest school district in the nation, which has the greatest concentration of English Language Learners in New York State, must create a comprehensive language translation and interpretation program to serve parents with limited English proficiency. Such a program can be based on already functioning systems in Los Angeles and Seattle, and would provide that:

- a) All notices and materials that go to parents must be provided in the native language of parents with limited English proficiency. The Department of Education should create a centralized translation unit providing translations in the major languages, with referrals for outside translation for those languages spoken by smaller segments of limited English proficient families. The unit would provide translation of standardized notices and materials that go out to parents. These materials would then be distributed to the Regions who would distribute to each school in the appropriate languages. The Regional Parent Support Officers would be responsible for making sure that parents actually receive these materials, as there is an unfortunate history in NYC of materials being centrally translated but never getting to the parents who need to read them. Schools should have access to the centralized translation unit to receive translations of notices initiated by the school. Each school must post signs informing parents of their rights to language assistance. Schools must collect information on the language assistance needs of their parents and the principal must be held accountable for meeting those needs.
- b) An Interpretation Unit offering verbal interpretation services must be put in place. This central unit would arrange for interpretation at all Department of Education citywide meetings (i.e., meetings that are open to all city residents, such as hearings, etc). The Department of Education should also develop a telephone-based system to provide translated messages to parents with limited English proficiency. These telephone

services would alert limited English proficient parents of citywide information, such as elections for community school district personnel. These services could be adopted at individual schools to announce to parents about meetings and tests coming up. The Interpretation Unit will hire existing or outside contract providers to provide interpretation services at schools for meetings such as parent-teacher conferences or PTA meetings. A training program should be developed that will lead to certification. Thus, bilingual school staff, including teachers and paraprofessionals, can become certified as interpreters and be provided separate compensation after school on a per session or other basis to provide necessary interpretation service. In tandem, depending on need, outside providers could be certified to provide these interpretation services and would receive payment centrally.

- c) The Department of Education's website should be made accessible for limited English proficient parents through translation of key components into major languages. An evaluation should be conducted of its utilization and effectiveness as a mechanism for improving language access.

Such services would bring New York City and New York State into compliance with the letter and intent of city, state, and federal regulations and law. These services would help ensure that English Language Learner parents know what is happening in their children's education and can actually be involved in their children's education. These parents, as made evident by the survey results and numerous anecdotes in this

report, often feel intimidated and unwelcome in their schools due to the lack of translated materials and lack of interpretation services. These services can be provided through funds from LEP aid from New York State, Title I and Title III of the NCLB, and other school based funding streams. In this manner parent participation should markedly improve and students are likely to make greater academic progress.

Appendix A:

Parent Language Access Survey Instrument

PARENT LANGUAGE ACCESS SURVEY

*Native Language _____ *Borough _____ *School _____ Grade _____

Parent has been in the U.S. for ____ yrs ____ mos Student has been in the U.S. for ____ yrs ____ mos
 Student has been in the public school system for ____ yrs ____ mos

From 1 to 5 (1=not at all; 5=very well), how well do you:

Speak English?	1	2	3	4	5
Read English?	1	2	3	4	5
Write English?	1	2	3	4	5
Understand English?	1	2	3	4	5

How well does your spouse:

Speak English?	1	2	3	4	5
Read English?	1	2	3	4	5
Write English?	1	2	3	4	5
Understand English?	1	2	3	4	5

Is your child currently in a (circle one) bilingual education program? ESL class (English as a Second Language)? neither?
 If you circled bilingual or ESL, have you received information regarding either program in your native language? Yes No
 Has your child ever been in a (circle one) bilingual or ESL program? If so, when? _____ through _____

Do you receive written information translated into your native language from your child's school, school district, or Dept. of Education? (circle one) Never Rarely Sometimes Most of the time Always

Do you receive oral interpretations of information in your native language from your child's school, school district, or Dept. of Education? (circle one) Never Rarely Sometimes Most of the time Always

Have you ever attempted to contact your child's school: By phone? Yes No By mail? Yes No In person? Yes No
 If yes to any of the above, which language was utilized? _____

Have you ever had to use your child/ another student as an interpreter at school? Yes No

Has your child's school ever asked you to sign documents asking for your consent that are **not** in your native language and you do not know what you are signing? Yes No

Have you ever tried to obtain information about your child from the school's office and been unable to get the information because no one spoke your language? Yes No

Do you actively participate in school activities? Yes No

Would you, if language services were available? Yes No

Does your family feel that it has been or is being harmed by lack of services? Yes No

Do you know of any other parents who do not speak/ read English well and do not receive school-related info in their language?
 Yes No

Are you willing to be contacted for further details about receiving school-related information in your language? Yes No
 Are you interested in working with Advocates for Children to file a complaint so that you can receive school-related information in your language? Yes No

Thank you very much for your time and input!

Advocates for Children (212) 947-9779

Name: _____ * Signature: _____ Date: _____

OPTIONAL: If you would like more information about language access concerns, please fill out your contact information below:

Parent Name _____ Student Name _____ Date of Birth _____

Address: _____ Telephone Number _____

Appendix B:

Student Language Access Survey Instrument

Does your parent actively participate in school activities? *Yes No*

Do you believe that your parent would participate more actively if translation services were available? *Yes No*

Does your family feel that it has been or is being harmed by lack of services? *Yes/No*

Do you know of any other students whose parents do not speak/ read English well and do not receive school-related info in their language? *Yes No*

Thank you very much for you time and input!

Advocates for Children (212) 947-9779

Name: _____ * Signature: _____ Date: _____

OPTIONAL: If you would like your parent to get more information about getting services in Spanish, please fill out your contact information below:

Student Name _____ Date of Birth _____

Address: _____ Telephone Number _____
