



WASHINGTON STATE

Office of the Education Ombudsman

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OEO SPECIAL REPORT PREVIEW

Communication Breakdown: Unmet interpretation and translation needs of parents and students in “high-stake situations”

The Office of the Education Ombudsman (OEO), an agency within the Governor’s Office has been working on a special report focusing on how educational information is delivered to families whose first language is not English. The report will particularly address “high-stake situations” that impact the academic achievement of students – i.e. suspensions and expulsions

OEO recognizes that this issue presents a daunting challenge for schools and districts, as they struggle to find sufficient funding and staff resources. In raising this issue, OEO seeks to help the Washington public school system to better understand the needs of immigrant and refugee families, explore what schools could be doing to better meet those needs, and most importantly, provide practical and reasonable recommendations for everyone involved.

Both the problems and solutions are complex and deserve close scrutiny. OEO staff is working on collecting input and testimonials from families, educators, institutions, and community organizations in order to get a state-wide picture of current practices, challenges and opportunities. OEO plans to release a full report early 2009.

The following is a preview of some of the topics the report will cover.

I. What is the basis for the report?

In the preceding year, OEO has discovered that parents with limited English proficiency (LEP) across the state are encountering serious difficulties when seeking information in their own language from schools and districts or are not directly informed of pressing issues in a language they can understand. Our agency has received several inquiries and complaints from LEP parents that were not provided with sufficient interpretation or translation services when their children were involved in “high-stake situations” at school or that the student involved in the situation was tapped as an interpreter and there is no certainty that the student understood or interpreted correctly.

“High-stake situations” include, but are not limited to, those where a student is involved, or is at risk of becoming involved in: Disciplinary action (long-term suspension, expulsion); Legal consequences (criminal or immigration); Truancy; Dropping out; Emergencies (immediate health or safety problems); and Individual Education Plan (IEP) meetings. It is vitally important that parents receive timely notification, in their primary language, regarding the incident, its impact on their student, what parents need to do to respond and support their child’s interests, and generally reduce the time that a student is out of the classroom.

Schools also have a legal responsibility to communicate effectively with parents in such situations, as part of ensuring they are informed and aware of school actions that affect their child. Parents and students are entitled to due process in critical situations, yet too many parents with limited English proficiency are receiving little to no information in language they can understand. This “communication breakdown” puts their children at an educational disadvantage.

II. What does the data say?

According to OSPI, “the number of languages spoken by Washington students is up 25 percent over the last 5 years to nearly 200 [different languages]. Many districts are experiencing an increase in language diversity.”¹ Over one million students enrolled in Washington’s K-12 public schools in 2007-2008 spoke a language other than English at home. One district alone serves families representing as many as 84 distinct language groups².

Spanish-speakers account for approximately 66% of students and their families enrolled in public schools and they are the fastest growing group in the state. Other major bilingual groups include Chinese, East Africans, East Asians, and Pacific Islanders.

80% of Asian students and 56% of all Hispanic students graduated from high school on time in 2006. 12% of Asian students and 5% of Hispanic students entered a 4-year public university in 2007. OEO will be studying student drop-out rates for the full-length version of this report.

Ethnic-specific general student data is not available. School districts and OSPI lump data from students from different Asian nationalities into one category: Asian, and African students within the Black category. Only data from students enrolled in the ELL program is disaggregated.

III. What does the law say about meeting the interpretation and translation needs of LEP parents?

Effective home-school communication has been proven to be an essential component of students’ academic success.³ It is especially crucial for schools and districts to communicate effectively with parents who might be unfamiliar with the public school system. The importance of LEP-home to school communication is reinforced by federal and state laws that require that information is provided to parents of English language learners in a language they understand. Key among these laws are the following:

- Title 1, Part A of No Child Left Behind requires that information be translated into languages that parents can comprehend, including: various parental notification documents related to state plans, academic standards, academic assessments, reports, annual state report cards, annual local educational agency report cards, school-wide programs, school improvement plans, and parental involvement activities.⁴

¹ “Statewide Numbers by Home Language, 07-08” OSPI, 5.12.08, provides a breakdown of home languages by state, ESD, and percent of languages spoken.

² OSPI, Educating English Language Learners in Washington State, 2005-06 Report to Legislature, p26.

³ Joyce Epstein, National Network of Partnership Schools

⁴ NCLB sections 1111(b)(3)(c), 1111(h)(1)(B), 1111(h)(2)(E)m, 1111(h)(6)m, 1112(c)(1)(N), 1112(g)(2), 1114(g)(B), 1115, 1116, 1118(b), 1119(e).

- Revised Code of Washington 28A.180.040 (2) states that school district board of direct shall: “wherever feasible, ensure that communications to parents emanating from the school are appropriately bilingual for those parents of pupils in the bilingual instruction program.”⁵
- Washington Administrative Code 392-160-010 (2) further states that school district board directors “shall communicate, whenever feasible, with parents of students in the bilingual program, or alternative instruction program in a language they can understand.”

There additional provisions in state laws and regulations that require translation or interpreters in particular contexts. While these laws do not always provide specific guidance regarding when and how such requirements are to be implemented, the laws do identify a variety of factors that must be considered when determining the schools’ legal obligation.

Examples of such factors include:

1. The number or proportion of limited English proficient persons eligible to be served or likely to be encountered by the program or grantee;
2. the frequency with which an LEP individual comes in contact with the program;
3. the nature and importance of the program, activity, or service provided by the program to people’s lives; and
4. the resources available to the grantee/recipient and costs.

In sum, laws and regulations may not offer schools and district much detailed guidance on day to day implementation, but do provide a clear imperative that interpretation and translation services are essential.

IV. What do we understand about the problem?

The issues we heard about from individual parents form a partial basis for our evaluation of the problem, and we include some parent testimony to show how actual families are affected. After responding to the concerns of these individual parents, OEO also initiated conversations and correspondence with various state and district-level staff, educators, and community advocates across the state to explore the issue further.⁶ This problem analysis is also based on preliminary feedback from the following programs and departments at OSPI: Center for Improvement of Student Learning (CISL), Federal Liaison Civil Rights, Migrant & Bilingual Education, Special Education, Title I/LAP, who are engaged in work to improve the provision of interpretation and translation services to LEP parents. OEO also consulted with staff at Team Child (Seattle and Yakima branches), and the ACLU of Washington.

OSPI reports: “The practice and quality of translation [and interpretation] is not consistent among districts.”⁷ Some try to ensure that a bilingual staff person is available on-site at school to help parents with limited English proficiency. Often this “language resource person” is a school secretary, counselor, teaching assistant or bilingual staff person. While having such a “go-to” language resource person available in the school is helpful in many instances, it can be

⁵ RCW 28A.180.040. School board duties.

⁶ Note: This report is not based on the results of a scientific survey, nor does it aim to be a formal evaluation of interpretation and translations services provided by school and school districts across Washington State.

⁷ From OSPI written response to OEO. Additional note: there are clear differences among districts in terms of size, resources, and the number of language groups, which are not accounted for in this issue paper.

problematic in complex situations or those that have serious consequences for students and families. Problems can occur in the following ways⁸:

- **Lack of Direct Interpretation:** The language resource person necessarily serves as a go-between for parents and school staff. Parents often do not get to ask questions directly of the staff person with the knowledge and responsibility to respond. Instead, they get information filtered through the language resource person. This game of “telephone” creates a time lag that can have negative consequences in time-sensitive situations.⁹
- **Quality of Interpretation:** Staff that serve as language resources are often not trained and certified as interpreters. They might use school jargon rather than plain language and are not always sufficiently culturally competent. Additionally, their translation of crucial information (such as due process rights, truancy law, etc.) is often incomplete or incorrect.

When a school or school district does not use a trained interpreter and does not have a language resource person on hand, they sometimes rely on parent volunteers. When desperate, some ask relatives or students who speak the same language as the adult to provide interpretation. In some cases, the student may even be the parent’s child. This creates serious problems in critical situations in the following ways:

- **Accuracy:** Not only do students and parents lack training as interpreters, they may also lack fundamental understanding of the issues being discussed. The likelihood of miscommunication and mistakes is high.
- **Confidentiality:** Confidentiality might be compromised when people other than staff or certified interpreters help with ad hoc interpretation. This is especially risky when dealing with serious discipline issues, police referrals, etc.
- **Conflict of Interest:** If the student who is interpreting is also the subject of the discussion, s/he might be motivated to lie or “soften the blow” of the information presented.
- **Parent disempowerment:** Utilizing students as interpreters contributes to the change in family dynamics that refugee and immigrant families experience in a new country. Parents report a loss of control of their children as they learn English faster than adults.

⁸ Note: Using bilingual school staff as interpreters and translators when it is not their area of expertise, or part of their job description, not only pulls them away from their regular job duties, but also has a negative impact on their morale.

⁹ **Example 1:** A school district relies on bilingual parent volunteers as its main interpretation resource. Volunteers check voicemail every few days and relay messages from non-English speakers to district staff. According to staff person in this district, the questions posed can be complex and require staff to search out answers. Once staff gathers information, they relay it to the bilingual parent volunteers who then return the phone call to the non-English speaking parent. While utilizing bilingual parents’ language skills cuts costs, there is obvious potential for lapses in quality and timeliness.

Example 2: Sometimes bilingual school staff will volunteer to attend truancy court proceedings when a school district does not provide a court certified interpreter. One stakeholder shared an anecdote about bilingual staff people interpreting for families/students in the halls of the courthouse, because they are not allowed to speak during the court proceedings.

This feeling seems to be validated and reinforced when schools ask the students to interpret for their parents and act as one of the adults in the family.

When parents are not provided with accurate and timely information in a language they can understand they are effectively denied the opportunity to fully support their child's academic success. This leaves children of LEP families at an educational disadvantage.

V. What are some of the key areas?

Some of the specific problems and issues that OEO will address in its upcoming report include:

- **Awareness of the problem and understanding of the remedies:** There is a need to help more schools and districts understand the issues surrounding interpretation and translation, and get the necessary tools to respond effectively.
- **Parent, student, educators, and community perspectives** – Perspectives from all stakeholders are critical in this issue.
- **School and district-level planning, budgeting and coordination:** This is a new area of work for schools and districts requiring careful strategizing and creative approaches to funding.
- **Equity in service provision:** How should schools and districts balance the high cost of obtaining translations and providing interpreters with the need to serve an ever-growing number of different languages?
- **The lack of state legislation:** including sample policy and procedures for School Boards.
- **State data collection and reports:** Particularly disaggregated data.
- **The role of collaboration within and between districts:** What resources are available? What resources need to be developed? How can we overcome translated materials' proprietary issues? A lack of resources around the state suggests a need for everyone to work together on this problem. Educators cannot afford to duplicate efforts and work on this problem in isolation from each other. What might this look like?

In addition, OEO special report will:

- Summarize the status of interpretation and translation needs in Washington.
- Provide a detailed review of state and federal mandates related to interpretation and translation, as well as discuss implementation guidelines.
- Review available resources and current practices in Washington.
- Take a detailed look at the options available to schools and districts for funding these services and integrating with existing school systems.
- Discuss Challenges and Opportunities.
- Look outside Washington, to the approaches of other states, for fresh inspiration.
- Make recommendations for systemic improvement.

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