

# Federal Funding for Translation & Interpretation Services

Federal law requires all Tennessee public schools to take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services. This includes providing translation and interpretation services to students and LEP families, when required by law. This document outlines legal requirements related to translation and interpretation services, as well as permissible use of federal funding for associated costs.

## Supplement, Not Supplant

The Every Student Succeeds Act (ESSA), Title III, Part A, § 3115(g) describes the *Supplement, Not Supplant* provision applying to the use of Title III, Part A funds. In practice, this means that a supplanting violation occurs when a local educational agency (LEA) uses Title III, Part A funds to provide services that are required under other Federal, State, and local laws. Thus, when budgeting for expenditures of Title III, Part A monies, it is important to first consider whether the activities proposed are ***already required to be performed*** under another law. If such is the case, the non-supplanting provision dictates that Title III, Part A funds ***may not be*** spent in support of that activity.

Title III, Part A funds may be used only for supplemental translation and interpretation activities that are not provided by the LEA for all students. As a litmus test—before expending Title III, Part A funds on translation and/or interpretation services, consider whether the activity/service is already required by:

- **Title VI of the Civil Rights Act of 1964 (Title VI)?**
- **The Individuals with Disabilities Education Act (IDEA)?**
- **Title I, Part A of ESSA?**
- **Tennessee law or the rules of the Tennessee State Board of Education (ESL Rule 0520-01-19)?**

If the response to any of these questions is “yes,” then Title III, Part A funds should ***not*** fund this activity/service.

## Title VI Translation/Interpretation Requirements

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin. LEAs must ensure non-discriminatory and equal access for national-origin and language-minority students to education. In addition, LEAs ensure meaningful communication with LEP parents in a language they can understand. LEP parents are parents or guardians whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing). According to the U.S. Department of Education’s Office for Civil Rights, LEAs must adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents. Additional federal guidance regarding communicating with LEP parents can be found below:

- [“Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them”](#)
- [“Dear Colleague Letter: English Learner Students and Limited English Proficient Parents”](#)

OCR does not provide grants or funding for its mandates, but LEAs are bound by its requirements, nonetheless. Due to the *Supplement, Not Supplant* provision in ESSA, using Title III, Part A funds to fulfill Title VI requirements is ***not*** permissible. Services that are provided above and beyond the basic OCR requirements may be allowable expenditures under other Federal programs.

## IDEA Translation/Interpretation Requirements

The Individuals with Disabilities Education Act (IDEA) lists several situations in which translation or interpretation might be required in order to communicate with limited English proficient parents. Specifically:

- Assessments and other evaluation materials used to assess a child must be provided and administered in the child's native language unless it is clearly not feasible to do so. [34 C.F.R. § 300.304(c)(1)(ii)]
- Written notice must be given to the parents of a child suspected to have a disability or a child with a disability at least ten (10) school days prior to an LEA either proposing or refusing to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. This written notice must be provided in the native language of the parent unless it is clearly not feasible to do so. If the native language is not a written language, the school must ensure that the notice is interpreted (translated orally). [34 C.F.R. § 300.503(c)]
- LEAs must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. [34 C.F.R. § 300.322]
- When parental consent is sought for evaluations, the provision of special education services, etc., the parent must be fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or another mode of communication. [34 C.F.R. § 300.9(a)]
- The parent must be informed of their right to confidentiality of personally identifiable information in a language and manner that they can understand. [34 C.F.R. § 300.612]

## Title I, Part A—Translation/Interpretation Requirements

Pursuant to Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), the following information must be provided "to the extent practicable, in a language parents can understand":

- Information regarding achievement [ESSA § 1111(b)(2)(B)(x)]
- Annual state and local educational agency report cards [ESSA § 1111(h)(1)(B)(ii)]
- Parent's Right to Know [ESSA § 1112 (e)(4)]
- Information in the school's Title I plan (ESSA § 1114)
- If the school is identified for "school improvement," information on what this means, the reasons for the identification, what the school district and state are doing to address the problems identified, how parents can become involved to help, and an explanation of the parents' right to transfer their child to another school (ESSA § 1116)
- Information on the availability of supplemental educational services, identified approved providers, and a brief description of the services. For students receiving supplemental educational services, information on their progress (ESSA § 1116)
- Information related to school and parent programs, meetings, and other activities and notification of the district's parental involvement policy (ESSA § 1118)
- Meaningful consultation with parents of Title I participating children on the planning and implementation of parental involvement programs, activities, and procedures (ESSA § 1118)
- The reasons a child has been identified as LEP and is in need of a language instruction educational program, the child's level of English proficiency and academic achievement, information about the various program options (methods of instruction used, how the programs differ, how the programs will help their child learn English, etc.) and information about a parent's right to decline to enroll their child in such a program. [ESSA § 1112(g)]
- Notification of the district's failure to make progress on AMAOs [ESSA § 1112(g)(1)(b)]

## Title III, Part A—Allowable Translation/Interpretation Services

Title III, Part A funds may be used only for supplemental translation and interpretation activities that are not provided by the LEA for all students and are specific to the Title III program. Title III, Part A funds may also be used for translation and interpretation services that support the specific parent outreach and training activities found in Title III, Part A (ESSA §§ 3115(c)(3)(A), (d)(6), or (e)(1)(A)). For example, translation of communications, outreach, and trainings that are provided solely to parents of Title III served ELs regarding the Title III specific language program is permissible. Also permissible are translation and interpretation services in support of outreach programs and events for the purposes of fulfilling Title III, Part A, to enhance and supplement the Title III, Part A language instruction program (ESSA § 3115(c)(3)).

**Note:** Translators and interpreters funded with Title III, Part A monies and split-funded LEA family engagement liaisons providing translation/interpretation services must indicate on time and effort logs the Title III, Part A activities for which their services were required.

### Example Scenarios

- 1. The LEA's Title III plan includes components allowed under ESSA § 3115(d)(6)(B), in which family literacy services are provided to assist parents in becoming active participants in the education of their EL children. Communication concerning these services, and the services themselves, will be translated or interpreted to the parents of Title III, Part A served students.*

Payment for these services to such parents is permissible under Title III law, as these are not OCR or other federally required services.
- 2. The LEA is planning parent-teacher conferences and has translated the invitation in various languages and will provide interpreters at the conferences for parents who require them.*

Payment for this translation/interpretation is **not** permissible under Title III, Part A law because Title VI of the Civil Rights Act already requires that parents who have limited English skills receive information from the school in a language that they can understand.
- 3. The LEA holds an annual meeting for parents of high school juniors to educate them about the college application process.*

As this meeting is held for all parents, not solely parents of Title III, Part A served students, it would be a violation of non-English speaking parents' rights should interpreters not be provided. Thus, interpretation for this event is an OCR requirement and cannot be supported with Title III, Part A funds.
- 4. The schools hold special meetings for EL parents concerning the WIDA ACCESS 2.0 assessment and its results.*

It would not be appropriate to use Title III, Part A funds to provide interpreters and translation services for this event, as explaining assessments to parents is a locally-funded responsibility. If, on the other hand, Title I, Part A funds provide support for a supplemental language instructional program, Title I funds could possibly be used in support of ESOL services as this translating is pursuant to Title I [ESEA § 1112(e)(4)].