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Protecting every child's right to learn

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LEGAL ADVOCACY GROUPS FILE COMPLAINT AGAINST THE NYC DEPARTMENT OF EDUCATION TO STOP DISCRIMINATION AGAINST LIMITED ENGLISH PROFICIENT PARENTS

June 20, 2012 (New York, NY) – Advocates for Children of New York (AFC) and New York Lawyers for the Public Interest (NYLPI) filed a complaint today with the Office for Civil Rights of the United States Department of Education against the NYC Department of Education (DOE) for its systemic failure to provide translation and interpretation services to tens of thousands of limited English proficient (LEP) parents of children with disabilities, in violation of local, state, and federal civil rights laws.

AFC and NYLPI's complaint, brought on behalf of nineteen LEP parents and their children, describes how tens of thousands of LEP parents city-wide are unable to read and understand important special education-related documents, including meeting notices, educational evaluations, and administrative hearing orders. The DOE also fails to provide parents with qualified interpreters at due process proceedings, as well as school and district level meetings where DOE personnel discuss students' academic and social progress.

"The DOE's failure to provide these language services has left me frustrated, sad that I have not been more informed, and distrustful of the city agency responsible for my children's academic and socio-emotional success," said Sobeyda Hidalgo, a LEP parent of four children receiving special education services from the DOE. "It is not fair to deny parents such important information about their children's disabilities and educational progress and needs. Parents should know everything about their children, but in my experience, parents who don't speak English are kept in the dark."

Parents of children with disabilities are particularly vital participants in the development of their children's special education program, as evidenced by legal mandates requiring parent participation and consent. These parents have even more frequent—and more complicated—interactions with the DOE as they attempt to understand their children's disabilities and unique educational needs. Yet, through hundreds of interactions with LEP parents over many years, AFC and NYLPI have seen that the DOE consistently fails to translate education-related documents for LEP parents of students with disabilities. Consequently, parents report feeling isolated and humiliated, are concerned that their children may not be succeeding in school, or know that their children are not progressing, but do not understand how to remedy the situation.

"When thousands of LEP parents are unable to read documents because they are written in English and are unable to communicate with teachers and school administrators about their children's programs and progress, they are denied their legal right to participate in their children's education. As a result, thousands of children of LEP parents may not receive the proper education placement or achieve academic success," stated Rigel S. Massaro, attorney on the Immigrant Students' Rights Project at Advocates for Children of New York.

“AFC and NYLPI initially raised our concerns with the DOE over three years ago. We’ve spent considerable time attempting to collaborate with the DOE to ensure that LEP parents get the language services they need to help their children with disabilities succeed in school,” said Kelly McAnnany, Co-Director of the Disability Justice Program at New York Lawyers for the Public Interest. “We can no longer sit back while thousands of parents are denied their basic rights.”

“Throughout my years working as an advocate, I have seen firsthand how essential it is for parents to have access to qualified interpreters at school meetings and translated educational documents,” said Jessica Daye, Disability Rights Advocate at New York Lawyers for the Public Interest. “Many difficulties could be avoided if LEP parents were able to participate as equal members of their children’s special education teams.”

AFC and NYLPI demand that the DOE immediately take steps to remedy these violations, including by:

1. Creating and funding a clear and comprehensive system to provide translation and interpretation services to LEP parents in the special education process.
2. Appointing a “Chief Language Access Coordinator” to oversee the DOE’s provision of language services to LEP parents of children with special education needs and to serve as the point person for all outreach efforts and policy implementation.
3. Developing and distributing informational materials to LEP parents to inform them of their legal right to language services in the special education process.
4. Providing comprehensive training for school and network office staff that includes a statement regarding the DOE’s obligation to provide such services, instructions for how to identify a parent’s language needs, clear guidelines on how to request document translation or interpreter services, and information regarding contacts at the network and central DOE offices available to support the provision of such services.
5. Creating and implementing a system to monitor school and district compliance with language access obligations, including regular auditing to ensure the timely delivery of language services and a grievance procedure for parents who experience barriers.

For a complete list of the demands and to read the complaint filed with the Office for Civil Rights of the United States Department of Education, click [here](#).

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About Advocates for Children of New York (AFC)

Since its founding in 1971, Advocates for Children of New York has been protecting the education-related needs of children most at risk of academic failure or school-based discrimination due to such factors as poverty, disability, race, ethnicity, language barriers, immigration status, homelessness, or involvement in the child welfare or juvenile justice system. AFC’s mission is to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. AFC uses integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students. www.advocatesforchildren.org

About New York Lawyers for the Public Interest (NYLPI)

New York Lawyers for the Public Interest (NYLPI) advances equality and civil rights, with a focus on health justice, disability rights and environmental justice, through the power of community lawyering and partnerships with the private bar. Through community lawyering, NYLPI puts its legal, policy and community organizing expertise at the service of New York City communities and individuals. NYLPI’s partnership with the private bar strengthens its advocacy and connects community groups and nonprofits with critical legal assistance. NYLPI is the recipient of the 2010 New York Times Awards for Nonprofit Excellence.