

ASSEMBLY BILL

No. 2091

Introduced by Assembly Member Lopez

February 17, 2016

An act to amend Section 56341.5 of, and to add Section 56348 to, the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2091, as introduced, Lopez. Special education: individualized education programs: translation services.

(1) Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. Existing law requires a local educational agency to initiate and conduct meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs in accordance federal law. Existing law requires the local educational agency to take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English.

This bill would require a local educational agency to also provide translation services for a pupil's parent, guardian, or educational rights holder, as specified. The bill would require the local educational agency to, among other things, provide a pupil's parent, guardian, or educational rights holder with a translated copy of any document discussed at an individualized education program team meeting, including the

individualized education program itself, in the parent's, guardian's, or educational rights holder's primary language within 30 days of being requested and to make available translated copies of any standardized forms or other standardized information that the local educational agency maintains on each schoolsite for purposes of special education, as specified. The bill would require the documents to be translated pursuant to these provisions be translated by a qualified interpreter, as defined, who is proficient in both the English language and the non-English language to be used. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56341.5 of the Education Code is
2 amended to read:
3 56341.5. (a) Each local educational agency convening a
4 meeting of the individualized education program team shall take
5 steps to ensure that no less than one of the parents or guardians of
6 the individual with exceptional needs are present at each
7 individualized education program *team* meeting or are afforded
8 the opportunity to participate.
9 (b) Parents or guardians shall be notified of the individualized
10 education program *team* meeting early enough to ensure an
11 opportunity to attend.
12 (c) The individualized education program *team* meeting shall
13 be scheduled at a mutually agreed-upon time and place. The notice
14 of the meeting under subdivision (b) shall indicate the purpose,
15 time, and location of the meeting and who shall be in attendance.
16 Parents or guardians also shall be informed in the notice of the
17 right, pursuant to Section 300.322(b)(1)(ii) of Title 34 of the Code
18 of Federal Regulations, to bring other people to the meeting who

1 have knowledge or special expertise regarding the individual with
2 exceptional needs, and inform the parents of subdivision (i) of
3 Section 56341 relating to the participation of the infants and
4 toddlers with disabilities service coordinator under Subchapter III
5 (commencing with Section 1431) of the federal Individuals with
6 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) at the
7 initial individualized education program team meeting for a child
8 previously served under the Subchapter III program.

9 (d) As part of the participation of an individual with exceptional
10 needs in the development of an individualized education program,
11 as required by federal law, the individual with exceptional needs
12 shall be allowed to provide confidential input to any representative
13 of his or her individualized education program team.

14 (e) For an individual with exceptional needs, beginning no later
15 than the effective date of the individualized education program in
16 effect when the individual reaches the age of 16 years, or younger
17 if determined appropriate by the individualized education program
18 team, the meeting notice also shall indicate that a purpose of the
19 meeting will be the consideration of the postsecondary goals and
20 transition services for the individual, pursuant to Section 56345.1
21 and Section 1414(d)(1)(A)(i)(VIII) of Title 20 of the United States
22 Code, and the meeting notice shall indicate that the individual with
23 exceptional needs is invited to attend. If the pupil does not attend
24 the individualized education program *team* meeting, the local
25 educational agency shall take steps to ensure that the preferences
26 and interests of the pupil are considered in accordance with Section
27 300.321(b)(2) of Title 34 of the Code of Federal Regulations.

28 (f) The local educational agency, to the extent appropriate, with
29 the consent of the parents or individual with exceptional needs
30 who has reached the age of majority, and in accordance with
31 Section 300.321(b)(3) of Title 34 of the Code of Federal
32 Regulations, shall invite a representative of any participating
33 agency that is likely to be responsible for providing or paying for
34 transition services.

35 (g) Pursuant to Section 300.322(c) of Title 34 of the Code of
36 Federal Regulations, if no parent or guardian can attend the
37 meeting, the local educational agency shall use other methods to
38 ensure parent or guardian participation, including individual or
39 conference telephone calls, and consistent with Section 300.328
40 of Title 34 of the Code of Federal Regulations, the parent or

1 guardian and the local educational agency may agree to use
2 alternative means of meeting participation.

3 (h) A meeting may be conducted without a parent or guardian
4 in attendance if the local educational agency is unable to convince
5 the parent or guardian that he or she should attend. In this event,
6 the local educational agency shall maintain a record of its attempts
7 to arrange a mutually agreed-upon time and place, such as:

8 (1) Detailed records of telephone calls made or attempted and
9 the results of those calls.

10 (2) Copies of correspondence sent to the parents or guardians
11 and any responses received.

12 (3) Detailed records of visits made to the home or place of
13 employment of the parent or guardian and the results of those
14 visits.

15 (i) The local educational agency shall take any action necessary
16 to ensure that the parent or guardian understands the proceedings
17 at a meeting, including arranging for an interpreter for parents or
18 guardians with deafness or whose native language is a language
19 other than ~~English~~. *English and providing translation services, as*
20 *specified in Section 56348.*

21 (j) The local educational agency shall give the parent or guardian
22 a copy of the individualized education program, at no cost to the
23 parent or ~~guardian~~. *guardian, and as specified in Section 56348,*
24 *if applicable.*

25 SEC. 2. Section 56348 is added to the Education Code, to read:
26 56348. (a) For purposes of this part, a local educational agency
27 shall provide translation services for a parent, guardian, or
28 educational rights holder as follows:

29 (1) The local educational agency shall provide a pupil's parent,
30 guardian, or educational rights holder with a translated copy of
31 the pupil's completed individualized education program and any
32 revisions to the pupil's individualized education program in the
33 parent's, guardian's, or educational rights holder's primary
34 language at the final individualized education program team
35 meeting before seeking the parent or guardian's informed consent
36 pursuant to Section 56346.

37 (2) The local educational agency shall provide a pupil's parent,
38 guardian, or educational rights holder with a translated copy of
39 any document discussed at an individualized education program
40 team meeting, including the individualized education program

1 itself, in the parent's, guardian's, or educational rights holder's
2 primary language within 30 days of being requested.

3 (3) (A) The local educational agency shall make available
4 translated copies of any standardized forms or other standardized
5 information that the local educational agency maintains on each
6 schoolsite for purposes of this part.

7 (B) The local educational agency shall make the documents and
8 information referenced in subparagraph (A) available in each
9 primary language identified by the department for each school
10 pursuant to Section 48985.

11 (b) (1) The documents required to be translated pursuant to this
12 section shall be translated by a qualified interpreter who is
13 proficient in both the English language and the non-English
14 language to be used.

15 (2) For purposes of this section, "qualified interpreter" means
16 an interpreter who has met the testing or certification standards
17 for outside or contract interpreters, as proficient in the ability to
18 communicate commonly used terms and ideas between the English
19 language and the non-English language to be used and has
20 knowledge of basic interpreter practices, including, but not limited
21 to, confidentiality, neutrality, accuracy, completeness, and
22 transparency.

23 SEC. 3. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.