

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ABA, ABC, ACA-RA, IOD, IOD-RA, JEA-RB, JEA-RC, KBA

Responsible Offices: Chief of Staff; Deputy Superintendent of Schools; Office of Communications; Office of School Support and Well-being

Translation and Interpretation

I. PURPOSE

To provide for translation and interpretation services in Montgomery County Public Schools (MCPS), in alignment with Maryland state law and informed by directives from the U.S. Department of Education, Office for Civil Rights, to ensure meaningful language access to MCPS services, programs, and activities

To define the nature and scope of vital documents

II. BACKGROUND

Maryland law requires state agencies to translate “vital documents” into “any language spoken by any limited English proficient population that constitutes 3 percent of the overall population within the geographic area served by the local office of a state program, as measured by the United States Census” (Annotated Code of Maryland, Education Article, Section 10-1103).

III. DEFINITIONS

A. *Limited English Proficient (LEP)* is a federally defined term that is used in Maryland law requiring translation. LEP is measured by the U.S. Census, American Community Survey, to mean individuals who indicate both that they 1) speak a language other than English and 2) speak English less than “very well” (in response to the question “How well does this person speak English?”).

B. *Reasonable steps* are informed by guidance from the U.S. Department of Education, Office for Civil Rights (OCR), to mean the steps resulting from the OCR-recommended *four-factor analysis* that takes the following into consideration:

1. The number or proportion of LEP individuals in Montgomery County, as measured by the U.S. Census.
 2. The frequency with which such LEP individuals come in contact with MCPS educational programs and the utilization of interpretation services and translated documents.
 3. The nature and importance of the program, activity, or service to a student's access to the MCPS educational program.
 4. The translation and interpretation resources available to MCPS and the costs of those services.
- C. *Vital documents* are paper or electronic materials that are critical for student access to the MCPS educational program, services, and activities or contain information about student-facing procedures and processes required by law. Classification of a document as "vital" depends on the importance of the program, information, encounter, or service involved and the consequence to students if the information in question is not provided accurately or in a timely manner. Instructional materials are not vital documents for systemwide translation, except those materials that may be used in immersion programs.

IV. PROCEDURES

- A. The Department of Communications, Language Assistance Services Unit (LASU) will implement the following:
1. A systematic method for tracking requests for and uses of interpretation and translation services and translated documents.
 2. Develop protocols to –
 - a) review census indicators of individuals with limited English proficiency in Montgomery County and update, as necessary, the list of languages into which vital documents must be translated to align with Maryland law; and
 - b) determine which languages MCPS will support and into which vital systemwide documents will be translated, based on the four-factor analysis.

B. Interpretation

1. MCPS will not require LEP individuals to provide their own interpreters.
2. MCPS will take reasonable steps to ensure that it provides interpretation services through individuals whose level of fluency and comprehension is appropriate to the specific nature, type, and purpose of the information at issue. MCPS may also use the “Language Line” service to facilitate interpretation in the instances where an in-person individual is not available.
 - a) MCPS will take reasonable steps to ensure that MCPS interpreters understand their ethical obligations and emphasize the importance of confidentiality; impartiality; accuracy; avoidance of a conflict of interest; refraining from communicating with the LEP individual beyond that which is necessary to carry out professional duties; and not adding to, editing, summarizing, or embellishing the LEP individual’s statement.
 - b) Depending on the type of language assistance services needed, MCPS may use contracted interpretation/translation services or bilingual staff.
 - c) Except in unusual circumstances, MCPS should not rely on family members, neighbors, friends, acquaintances, bystanders, and children to provide interpreter services, because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.
 - (1) If relatives, friends, acquaintances, neighbors, or children are present during a contact with an LEP individual, staff may rely on these individuals to conduct a first inquiry as to the primary language of the LEP individual.

C. Vital Documents

1. MCPS will identify translation procedures for two categories of vital documents:
 - a) Written communication intended for a systemwide audience, to include—
 - (1) notices regarding the availability of free language-assistance services;

- (2) notices, letters, or forms pertaining to student eligibility for MCPS services or programs, or the reduction, denial, or termination of services or programs;
 - (3) notices, letters, or forms related to individual rights, requirements, or responsibilities;
 - (4) consent, complaint, and appeal forms;
 - (5) Board policies and MCPS regulations and other guidance critical for student access to the MCPS educational program, services, and activities or contain information about procedures and processes required by law.
 - b) Written communications regarding a matter between an individual and MCPS
 - (1) Letters or forms that require a response from an LEP individual.
 - (2) Letters of determination with respect to specific individual matters.
 - (3) Notices, letters, or forms pertaining to an individual's eligibility for MCPS services or the reduction, denial, or termination of services or programs.
2. MCPS will determine, on an ongoing basis, whether new documents or communication that is believed to be of "systemwide importance" need to be translated and made accessible for LEP individuals; and MCPS will also consider whether other preexisting vital documents should be translated into prominent languages other than English.
- a) Vital systemwide documents that are new or revised on or after July 1, 2023, will be translated into the current list of languages identified for translation.
 - b) With guidance from LASU, responsible offices that publish vital documents will develop protocols to identify documents published prior to July 1, 2023, to be translated and a reasonable timetable for translating those documents, taking into consideration the frequent necessary requests for translation and LASU capacity.

3. For those languages that do not constitute languages spoken by 3 percent of the LEP population of Montgomery County or are not part of the group of languages MCPS has chosen to support, MCPS will advise LEP individuals, in a language they can understand, and orally, as appropriate, how they can get assistance in understanding the information contained in vital documents.
4. Under some circumstances and in alignment with OCR guidance, vital documents may not need to be translated in their entirety. For long documents, MCPS may determine whether a complete translation is necessary, or whether translation of vital information contained within the document provides adequate notice of the document's contents.

Related Sources: Annotated Code of Maryland, State Government Article, Section 10-1103.

Regulation History: New regulation; effective July 1, 2023.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.**

For inquiries or complaints about discrimination against MCPS students*	For inquiries or complaints about discrimination against MCPS staff*
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

**Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

***This notification complies with the federal Elementary and Secondary Education Act, as amended.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.