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August 21, 2015

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### **Lawsuit Challenges School District of Philadelphia's Failure to Translate Documents and Interpret for Parents With Limited English Proficiency and their Children with Disabilities**

Philadelphia, Pa. – A federal class action lawsuit filed Friday alleges that thousands of parents and their children are illegally denied the opportunity to participate in the special education process due to the fact that they don't understand or speak English. The complaint alleges that the School District of Philadelphia refuses to sufficiently interpret or provide parents with translated documents in a timely manner, preventing them from participating in meetings and making informed decisions regarding educational placements and services.

According to the complaint, as of the 2013-14 school year, there were 25,990 families in the District who did not speak English as their primary language, of which 19,000 families notified the District they wanted documents in their native language. In addition, 1,500 English Language Learners were receiving special education and 1,887 students with IEPs whose home language was not English.

One of the lead plaintiffs is Barbara Galarza, the mother of a 10<sup>th</sup>-grade student with ADHD, a learning disability, as well as a mood disorder. Ms. Galarza reads and speaks Spanish only. However, when District personnel discussed her child's special education evaluations and Individual Learning Plan (IEP) with her, the District refused to provide her with the documents in Spanish, her native language. As a result, Ms. Galarza belatedly learned that her child had been diagnosed with an Intellectual Disability. She was not able to review the psychologist's report before an in-person meeting to discuss it, could not read her child's IEPs or monitor her child's progress, as essential documentation was provided solely in English. When she needed to talk to school staff about her child's math class, she could not speak to someone who knew her language.

"The school wouldn't give me information in Spanish; they didn't seem to care," Ms. Galarza said through an interpreter. "I couldn't understand what the District was telling me. They did not help me or my child so that she could do well in school."

The lawsuit was filed by the Public Interest Law Center, the Education Law Center of Pennsylvania, and Drinker Biddle & Reath LLP on behalf of a class of children with disabilities and their parents who are Limited English Proficient. The lawsuit follows two administrative law hearings during which the hearing officer found that the District had violated the rights of the

students and parents to meaningfully participate in their children's education. However, the hearing officer also stated that he lacked the authority to order systemic change to remedy the situation.

“Active participation by parents is vital to the educational plan for a student with disabilities,” said Chanda A. Miller, a Drinker Biddle attorney representing the plaintiffs. “Yet, for the hundreds of non-English speaking parents in Philadelphia who have children with disabilities, their participation is unfairly denied because the School District has failed in its duty to translate essential planning documents.”

“When parents are shut out of the special education process, students suffer: they are denied access to critical services they need to make progress. This is why our civil rights and disability laws are so clear on the obligations of schools to provide language assistance to parents and students,” said Maura McInerney, Senior Attorney at Education Law Center.

The complaint asks the Court to order the District to provide complete and timely translations of special education documents; to notify parents that they are entitled to such documents in their native language; to provide sufficient oral interpretation services for key encounters pertaining to special education services; and to provide bilingual evaluations for all students who need them.

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The Public Interest Law Center uses high-impact legal strategies to improve the well-being and life prospects of vulnerable populations by ensuring they have access to fundamental resources including a high-quality public education, access to health care, employment, housing, safe and healthy neighborhoods and the right to vote. For more information visit [www.pubintl.org](http://www.pubintl.org) or on Twitter @PubIntLawCtr.

The Education Law Center-PA works to ensure that all children in Pennsylvania have access to a quality public education, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English language learners, and children experiencing homelessness. For more information, visit [www.elc-pa.org](http://www.elc-pa.org) or follow @edlawcenterpa on Twitter.