



**STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
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DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

October 28, 2008

MEMORANDUM

TO: District Directors of Special Education
Charter School Special Education Directors
Regional Education Cooperative Directors

FROM: Denise Koscielniak
State Director, Special Education

RE: INDIVIDUALIZED EDUCATION PROGRAMS: SPANISH VERSION

Attached please find copies of the Spanish version of both the State-recommended secondary Individualized Education Program (IEP) and the preschool/elementary IEP. The Spanish version of the State-recommended IEPs was developed by the New Mexico Public Education Department (NMPED) Special Education Bureau (SEB) to assist local school districts in ensuring that parents, whose native language is Spanish, understand the proceedings and participate fully in IEP meetings.

Under the IDEA at 34 CFR § 300.322(e) (Use of Interpreters or Other Action as Appropriate), the public agency is required to “take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.” Additionally, 34 CFR §300.503(c) and § 300.504(d) provide that each public agency must communicate with parents in understandable language, including the parent’s native language or other mode of communication if necessary for understanding, in IEP meetings, in written notices, and in obtaining consent where consent is required.

Districts may use the Spanish IEP form in the following ways:

- Assist Spanish speaking parents in preparing for the IEP meeting by sending a copy of the Spanish IEP form when sending the parent invitation to the IEP meeting, this will assist Spanish speaking parents in:
 - understanding the content of the IEP; and
 - identifying information to bring to the IEP meeting.
- Assist Spanish speaking parents in following the IEP process, and communicating more effectively by providing a copy of the Spanish IEP during the IEP meeting.
- As documentation following the IEP meeting, the interpreter can translate the final IEP document onto the Spanish IEP form so the parents will have a written record of their child’s IEP in a form that they can better understand.

In accordance with the Family Educational Rights and Privacy Act (FERPA) at 34 CFR § 99.3 the translated IEP will constitute an educational record and must be maintained in the same manner as any IEP would be maintained.

The parents have a right to use the Spanish IEP in a legal proceeding. Therefore, public agencies will need to ensure that translators are competent and have adequate initial and ongoing training regarding special education issues, as necessary.

The Spanish IEP form is also available on the SEB website <http://www.ped.state.nm.us/seo/index.htm>. If you have additional questions, please request the education administrator assigned to your district at (505) 827-1457.

Thank you for all you do to improve outcomes for New Mexico students who receive special education support and services.

DK/sg

Enclosures (2)

cc: Catherine Cross Maple, Ph.D., Deputy Secretary, Learning and Accountability
James Ball, Interim Supervisor, Instructional Support and Vocational Education
Sue Gronewold, Deputy Director, Special Education Bureau
New Mexico Superintendents
Charter School Administrators