

Educational Interpreters

Introduction

The Individuals with Disabilities Education Act (IDEA) is the federal law that mandates children and youth with disabilities receive a free appropriate public education (FAPE). To qualify under the IDEA, the individual must have a disability which impacts educational performance and requires specially designed instruction. The goal of special education is to “ensure that all children with disabilities have available to them a free and appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” [20 U.S.C. §1400 (d)]

Free Appropriate Public Education

Individual Education Program (IEP) teams must consider the communication needs of a student when determining what a student needs to receive a Free Appropriate Public Education (FAPE). The Utah State Board of Education Special Education Rules (USBE SER) define FAPE as “...special education and related services that:

- a. Are provided at public expense, under public supervision and direction, and without charge;
- b. Meet the standards of the USBE and Part B of the IDEA;
- c. Include preschool, elementary school, and secondary school education in Utah; and
- d. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and these Rules.”

Decisions concerning FAPE are made on an individual basis by a student’s IEP team. Failure to provide a qualified interpreter may result in a denial of FAPE which could mean the LEA would be required to provide compensatory education services. Failure to provide an interpreter could also be an Americans with Disabilities Act (ADA) violation.

Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) require local education agencies (LEAs) receiving federal funds to ensure that qualified individuals with disabilities are not excluded from participation or denied the benefits of a program or activity because of inaccessible or unusable facilities. [34 CFR 104.21](#) ; [28 CFR 35.149](#).

Communication for a student with a disability should be as effective as for students without a disability. IEP accommodations should cover the ADA requirements. For more information see [the Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools](#) from the U.S. Department of Justice and the U.S. Department of Education Office of Civil Rights.

Special Consideration for Deaf/Hard of Hearing Students

The IDEA states in the development, review, and revision of an IEP, the team must consider the following special factors:

“...(iv) Consider the communication needs of the child, and in the case of the child who is deaf or hard of hearing, consider the language and communication needs, opportunities for direct communication with peers and professionals in the child’s language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the child’s language and communication mode, and (v) Consider whether the child requires assistive communication devices and services” [20 U.S.C. §1414 (d)(3)(B)]

To address these requirements, the IEP team needs to determine if the student needs an interpreter. If it is determined that the student needs an interpreter, the IEP team must consider the language and mode of communication of a child who is Deaf or hard of hearing as the LEA hires and/or assigns an educational interpreter. For example, if the student communicates using American Sign Language (ASL), then the educational interpreter will need to be proficient in ASL. If the student uses Signed Exact English (SEE), then the interpreter must be proficient in SEE. If a student uses Cued Speech to communicate, then a qualified Cued Speech transliterator must be used.

Types of Interpreters

LEAs should remember there is a wide variety of interpreting services available to meet the needs of a child with a disability. “Interpreting services, as used with respect to children who are deaf or hard of hearing, includes oral transliteration services, cued language transliteration services, and sign language interpreting services.” [34 CFR §300.34 (b)(4)] IDEA requires the LEA to consider a student’s communication preferences when developing an IEP and then assigning an interpreter.

American Sign Language (ASL) is the most commonly used form of sign language and has its own distinct grammar and vocabulary. Signed Exact English (SEE) is intended to replace spoken English; and Pidgin Sign Language (PSE) uses ASL signs in English word order.

Oral transliteration is typically performed by a hearing person. The transliterators will talk at a normal rate or speech and with typical enunciation. The transliterators will be repeating the speaker’s statements and will generally be a few words behind the speaker.

A CUED language transliterator uses CUED speech, “... a visual mode of communication which uses mouth movements of speech combined with “cues” to make the sounds (phonemes) of traditions spoken language look different” (www.cuedspeech.org), to communicate with the student.

Hiring Qualified Interpreters

LEAs have a responsibility to ensure that the educational interpreter provided has the required credential necessary to be an interpreter in state of Utah.

“Interpreters must be qualified. This means that the interpreter must be able to interpret both receptively (having the skills needed to understand what the person with a disability is saying) and expressively (having the skills needed to convey information to the person with a disability). An interpreter must be able to sign to the person who is deaf what is being said by the hearing person, and voice to the hearing person what is what is being signed by the person who is deaf, and this communication must be conveyed effectively, accurately, and impartially, using any appropriate specialized vocabulary. Thus, a teacher or other staff member who signs ‘pretty well’ is not a qualified interpreter. Being able to sign ‘pretty well’ does not mean that a person can process spoken communication into proper signs; nor does it mean that he or she has the proper skills to observe the person signing and change the signed or finger-spelled communication into spoken words.” (Frequently Asked questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools, 2014)

There are multiple interpreter certifications available in Utah. Each state has its own requirements, therefore, those qualified in other states may not be qualified in Utah. A Utah interpreter must also be a member in good standing with the Utah Interpreting Program (UIP). UIP is the professional organization that monitors continuing education credits and any ethical issues that arise.

The Utah State Board of Education (USBE) accepts the following certifications:

Utah Master/Professional Certifications

Professional certification is a State of Utah certification for an individual who has demonstrated the skills, knowledge, and judgement to be able to facilitate communication in most any situation, including more complex, technical, or specialized situations. The Master examination is no longer offered and has been replaced with the Professional certification; but if an individual has obtained a Master certification in the past, it is still recognized.

Utah Novice Certification

Novice certification is a State of Utah certification for an individual who has demonstrated entry-level skills, knowledge, and judgement to be able to facilitate communication in a variety of situations, excluding more complex, technical, or specialized situations. Interpreters certified at the Novice level must advance their certification within four years.

Registry of Interpreters for the Deaf (RID)/National Interpreter Certification (NIC)/National Association of the Deaf (NAD)

UIP recognizes interpreters certified by the Registry of Interpreters for the Deaf (RID) which is the national certifying body of ASL interpreters. Currently, RID offers six certifications in generalist and specialized settings. There are also additional certifications that are still recognized by RID, but the exams are no longer available. For more information visit the [RID Website](#).

Certified Deaf Interpreter (CDI)

Deaf individuals or hard of hearing individuals who hold this certificate are certified through RID. Certification includes demonstration of native or near native fluency in ASL, knowledge and understanding of interpreting, deafness, and Deaf culture.

Educational Interpreter Performance Assessment (EIPA)

UIP recognizes interpreters who have been awarded a score of 3.5-5.0 from the EIPA. The EIPA offers the assessment in specialized settings (elementary and secondary) and modes of communication (American Sign Language, Pidgeon Signed English, Manually Coded English). Interpreters who only possess an EIPA certification are restricted to work in K-12 education settings. An Interpreter with an EIPA score of 3.5-3.9 must advance his/her certification to 4.0-5.0 within four years.

The EIPA certification is broken down into two levels, elementary and secondary. An LEA should consider the interpreters certification level when assigning an interpreter. For example, an interpreter who is certified in elementary should not be assigned to interpret in a secondary setting.

Cued Speech Transliteration

UIP recognizes transliterators certified by [TECUnit](#), the national certifying body for CUED transliterators. CUED speech is a visual coded communication system incorporating mouth movements of speech combined with “cues” to make sounds of spoken language distinguishable.

Temporary Permits

A temporary permit is intended as a short-term solution awarded for extraordinary circumstances. Exemptions from certification may be issued when there is a lack of necessary available interpretive services and might be reasonably considered to materially jeopardize compliance with state or federal law.

An individual may apply for a temporary permit through the Division of Services for the Deaf and Hard of Hearing (DSDHH) Certification Director prior to providing interpreting services.

A temporary permit is granted by the Certification Director to both the requesting agency and the interpreter on a contractual basis. The permit remains in force for the amount of time agreed upon by the sponsoring employer, the interpreter, and the Certification Director as long as the conditions of the professional development plan are met. The maximum time a

temporary permit remains valid is one (1) year. The requirements of the temporary permit are no longer enforced if the interpreter passes the Utah Certification Examination at any level.

A temporary permit holder does not have an actual certification but is an individual who either because of relocation or limited experience and training has not yet achieved Utah certification. As no level of skill has been ascertained, this person should only provide fundamental communication services in the specific situation for which the permit is granted.

Interpreter Certification Maintenance

To maintain any level of certification, interpreters are required to obtain twenty hours of continuing education credit a year. Interpreters with a Novice certification or those who have a 3.5-3.9 on the EIPA have four years to upgrade to a Professional level certification or obtain a 4.0 on the EIPA. Failure to upgrade within four years will lead to termination of the interpreter's certification.

Interpreter Ethics

All interpreters are required to keep their license in good standing with the Utah Interpreter Program (UIP). This includes maintaining their continuing education hours, abiding and following the [Interpreter Code of Ethics](#), and following the [Utah Interpreter Policy and Procedure manual](#).

Interpreters for Extracurricular Events

Students are entitled to receive services and accommodations at all school and LEA-sponsored activities. These activities can include, but are not limited to, before and after school programs, recess, athletic games and practices, lunchtime, assemblies, pep rallies, and school plays. These services should be provided to the student(s) at no cost and are often paid for using special education funds if the student is eligible. The services and accommodations required may vary based on the type of event and the nature of the student's disability. Services and accommodations may include: computer-assisted real-time translation (CART), Assisted Listening Devices (ALD), captioning, and preferred seating. For example, a student with a hearing impairment may need a sign-language interpreter to enjoy a performance of a school play or computer-assisted real-time translation (CART) to follow a student skit at a pep rally. See *Bellwood-Antis (PA) Sch. Dist.* (OCR 2007) and *Grandview Heights City (OH) Sch. Dist.* (OCR 01/25/15).

Paying for Interpreter Services

Interpreting services should be provided at no cost to parents or students. Interpreting services required by student's IEP can be funded using IDEA or state Special Education funding. Interpreting services provided for ADA Title II and Section 504 accommodations should come from the General Education fund.

Substitute Interpreters

If an interpreter is absent, the LEA is required to find a substitute interpreter for the period the interpreter is gone. LEAs may contract for a substitute interpreter with an outside contracting agency. Again, failure to provide a qualified interpreter may result in a denial of FAPE.

Interpreter Planning Time

Interpreters need time to review and prepare for upcoming lessons. Just like teaching, an interpreter should not be given an interpreting situation without the opportunity to prepare and plan for the content. LEAs should consider giving interpreters time to meet with teachers to review upcoming lesson plans and any materials that may be helpful to them to prepare a meaningful interpretation.

Interpreters as Related Service Providers

Interpreting is a related service under the IDEA and should be documented as such on the IEP. Interpreting services are not a program modification or support. An IEP team must look at student's daily need of an interpreter and indicate that time on the IEP.

Interpreters as IEP Team Members

As interpreters are considered related services providers, they should be included in the planning and implementation of a student's IEP. Interpreters can provide vital information on a student's language and chosen mode of communication.

Interpreters for Adults who are Deaf/Hard of Hearing

Under Section 504 and the ADA, schools must provide parents with disabilities auxiliary aids and services, including qualified interpreters, to give them equal access to LEA programs, at no cost to the individual. If an Interpreter is only qualified to interpret in a school setting (EIPA certification), the interpreter cannot interpret for the parent during school meetings, and the LEA must provide an interpreter with the necessary qualifications.

An LEA is obligated to notify a parent of the availability of auxiliary aids to access information, services, and activities of the school. The LEA should also inform the parent that the services and aids are available free of charge. If an adult with a disability feels the LEA has not provided adequate services, he/she can file a complaint with the Office of Civil Rights (OCR). Schools should ensure that interpreters are provided when needed at activities such as open houses, parent teacher conferences, afterschool activities, graduation ceremonies, and school board meetings. Although the ADA does not require LEAs to have specific policies for how to request interpreting services, it is best practice to notify patrons about the process for requesting interpreter services for school events. Children cannot serve as interpreters except during emergency situations. *Lafayette Parish (LA) School System*, (OCR 08/12/10). If an LEA has an interpreter who is only certified as an EIPA interpreter, then the interpreter is not qualified under ADA to act as an interpreter for an adult.