

HOUSE No. 4428

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 20, 2020.

The committee on Education, to whom was referred the petition (accompanied by bill, House, No. 417) of Antonio F. D. Cabral and others relative to the certification of interpreters in educational settings, reports recommending that the accompanying bill (House, No. 4428) ought to pass.

For the committee,

ALICE HANLON PEISCH.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the training, assessment, and use of qualified school interpreters in educational settings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 69 of the General Laws is hereby amended by inserting the
2 following new section:-

3 Section 37. Training, assessment, and use of qualified school interpreters in educational
4 settings

5 (a) The following words, unless the context clearly indicates otherwise, shall have the
6 following meanings:

7 “Department”, the department of elementary and secondary education;

8 “Limited English proficient (LEP) person”, an individual who has a limited ability to
9 read, write, speak or understand English because the person uses primarily a language other than
10 English. This includes LEP parents or guardians of minor children, regardless of the children’s
11 LEP status;

12 “Interpretation”, the immediate oral rendering of an utterance from a source language
13 into a target language;

14 “Interpreter”, a person who has demonstrated language proficiency in English and at least
15 one other language and is readily able to interpret spoken language from English to the target
16 language and from the target language to English, and who also has knowledge and
17 understanding of the pertinent subject matter to be translated, the role of the interpreter in school
18 settings, and ethics and confidentiality with respect to interpretation;

19 “Parent”, a natural, adoptive, or foster parent of a child, a guardian, or an individual
20 acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other
21 relative) with whom the child lives, or an individual who is legally responsible for the child’s
22 welfare;

23 “Specialized meeting”, a meeting requiring a high level of interpretation skills including
24 but not limited to discussion regarding: an Individualized Education Program (IEP); a safety plan
25 or behavioral intervention plan (BIP); matters regarding school discipline; matters regarding
26 special education due process; placement in an English Learner Education (ELE) program;
27 development of or changes to an Individual 504 plan; addressing bullying complaints; or the use
28 of physical restraint or seclusion of students;

29 “Standard meeting”, a parent conference, community meeting, or other school gathering
30 that does not have legal context.

31 “Tier 1 interpreter”, an interpreter whose language proficiency need not be formally
32 assessed;

33 “Tier 2 interpreter”, an interpreter who, after a formal assessment process to be
34 determined by the department, demonstrates an understanding of basic educational terminology
35 used in school settings, participates in ongoing professional development in interpreting, and
36 exhibits tier-2 competency pursuant to subsection 2 of this section and department regulations;

37 “Tier 3 interpreter”, an interpreter who, after a formal assessment process to be
38 determined by the department, understands specialized educational terminology used in school
39 settings, participates in ongoing professional development in interpreting, and exhibits tier-3
40 competency pursuant to subsection 2 of this section and department regulations.

41 (b) Consistent with the recommendations of the School Interpreters Task Force, as
42 authorized by section 81 of chapter 154 of the acts of 2018, the department shall: (1) develop and
43 administer a system for training, assessing, and determining qualifications of interpreters in
44 educational settings with assurance that tier 3 interpreters shall be used for all specialized
45 meetings, tier 2 or 3 interpreters may be used for all standard meetings and tier 1 interpreters
46 may be used during spontaneous, unannounced meetings or communication scenarios that occur
47 in schools when a tier 3 or 2 interpreter is not available; (2) develop and make available an
48 educational course of sufficient duration that includes coursework and field experience to
49 support development of the key competencies and knowledge required of interpreters in schools;
50 and (3) create a publicly accessible mechanism to identify tier-3 interpreters for scheduled
51 specialized meetings.

52 (c) The department shall adopt regulations necessary to administer a system for training,
53 assessing, and determining qualifications of interpreters in school settings to improve access for
54 LEP parents. Said regulations shall be consistent with the recommendations of the School

55 Interpreters Task Force, as authorized by section 81 of chapter 154 of the acts of 2018, and shall
56 include, but not be limited to:

57 (1) a process for assessing the language proficiency of interpreters seeking to interpret in
58 school settings, including required levels of competency necessary to obtain tier-2 and tier-3
59 interpreting status, with grandfathering allowed for school employees whose primary job
60 responsibility has been to serve as an interpreter for one or more years;

61 (2) required hours of supervised field experience for tier-3 interpreters; and

62 (3) procedures for implementation of the publicly accessible mechanism created pursuant
63 to subsection 1 of this section to identify and secure tier-3 interpreters for scheduled specialized
64 meetings.

65 SECTION 2. This act shall take effect upon its passage; provided, however, that the
66 department may administer a phased implementation of the provisions of subsection (b) of this
67 act to a diverse number of school districts, subject to appropriation, and provided further that
68 final implementation of all sections of this act shall take effect statewide when certified as
69 appropriate by the commissioner of elementary and secondary education in a report to the
70 general court.