

SENATE No. 347

The Commonwealth of Massachusetts

PRESENTED BY:

James T. Welch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the certification of interpreters in educational settings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/25/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/30/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>

SENATE No. 347

By Mr. Welch, a petition (accompanied by bill, Senate, No. 347) of James T. Welch, Angelo J. Puppolo, Jr., Jason M. Lewis, James B. Eldridge and other members of the General Court for legislation relative to the certification of interpreters in educational settings. Education.

The Commonwealth of Massachusetts

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

An Act relative to the certification of 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. The purpose of this Act is to support implementation of language access
2 rights that are firmly embedded in federal law as well as founded on liberty and privacy interests
3 protected by the due process clause and equal protection clauses of the Fourteenth Amendment,
4 as recognized by the United States Supreme Court. Federal and state law, and implementing
5 regulations, require school committees to communicate with Limited English Proficient (LEP)
6 parents in a language that parents can understand by providing competent, trained interpreters in
7 order to ensure that LEP Parents have access to and participation in their children’s educational
8 programs to the same extent as English-speaking parents. While the right to effective language
9 access with appropriate, competent interpreters is well established, this Act sets forth a clear
10 system of certification for interpreters who are qualified to interpret in educational settings. This
11 will assist schools in delivering the language access services they are required to provide in an
12 effective and efficient manner. Further, this Act will be implemented in phases, with the
13 requirement first going into effect in school districts designated as chronically underperforming

14 pursuant to MGL Chapter 69 section 1K. The initial implementation of the Act in schools
15 designated as chronically underperforming will provide these districts with an additional tool to
16 help them reach the required annual goals of their turnaround plan. This phased implementation
17 will also allow for close examination of the implementation of this Act and determine and
18 resolve any barriers to full implementation, thus ensuring effective and efficient operation of the
19 Act when it is implemented statewide

20 SECTION 2. Chapter 69 of the General Laws is hereby amended by adding the following
21 section:

22 Section 37. Certification of Interpreters in educational settings.

23 (1)The following words, unless the context clearly indicates otherwise, shall have the
24 following meanings:

25 “Limited English Proficient (LEP) Person” means individual who has a limited ability to
26 read, write, speak, or understand English because the person uses primarily a language other than
27 English. This includes LEP parents or guardians of minor children, regardless of the children’s
28 LEP status.

29 “Interpretation” means the immediate oral rendering of an utterance from a source
30 language into a target language.

31 “Interpreter” means a person who is readily able to interpret spoken language
32 simultaneously and consecutively from English to the target language and from the target
33 language to English.

34 “Certified Interpreter” means an interpreter who has been duly certified by the
35 Department of Elementary and Secondary Education in accordance with MGL ch 69 section
36 37(4).

37 “Competent interpreter” means interpreter who has not been duly certified by the
38 Department of Elementary and Secondary Education but satisfies the requirements of federal and
39 state law.

40 “Parent” means a natural, adoptive, or foster parent of a child, a guardian, or an
41 individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent,
42 or other relative) with whom the child lives, or an individual who is legally responsible for the
43 child’s welfare.

44 (2)The Department of Elementary and Secondary Education shall adopt regulations
45 addressing:

46 (a) Specific subject matter knowledge, skills, and competencies required of interpreters
47 practicing in educational settings. Skills and competencies shall include, but not be limited to,
48 fluency in the languages interpreted, familiarity with specialized concepts and terms used in the
49 planning and implementation of educational programming, and awareness of the interpreter’s
50 function in educational settings, including issues of confidentiality and ethics.

51 (b) Confidentiality and ethics for interpreters working in educational settings. The
52 proposed regulations shall ensure that interpreters: protect confidentiality, remain impartial,
53 interpret communications accurately and objectively, demonstrate familiarity with educational
54 and psychological terminology and practices, demonstrate awareness of and sensitivity to the

55 impact of cultural differences, understand the professional role and boundaries of interpreters
56 and are informed of procedures and consequences for ethical violations.

57 (c) A system for assessment and certification of individuals seeking to provide
58 interpreter services in educational settings, including requirement to incorporate renewal and
59 maintenance of the individual's certification. The department shall establish and implement an
60 assessment process to identify individuals who have gained the competencies required in (a-b)
61 above and are granted certification to interpret in educational settings. The assessment process
62 shall include, but not be limited to, assessing grammatical awareness, vocabulary, and the ability
63 to interpret effectively from one language to another; understanding of the roles and
64 responsibilities of an interpreter within the educational setting; understanding of concepts and
65 vocabulary related to educational standards, curricula, planning, and student development; and
66 knowledge of guidelines for professional conduct, including ethics and confidentiality. In
67 creating or identifying examinations to be used as part of the assessment process for interpreters
68 in educational settings, the department may look to existing resources, assessments and
69 examinations administered to interpreters in other fields, including but not limited to certified
70 court interpreters pursuant to M.G.L. c. 221C, § 7; and medical interpreters pursuant to M.G.L. c.
71 111, § 25J, and assess the relevancy and cost efficiency of adopting said examinations,
72 assessments, or aspects thereof, as part of the assessment of interpreters in educational settings.

73 (d) Standards for renewal and maintenance of the individuals' credentials as well as
74 requirements for reassessment and continued professional development.

75 (3) The Department shall oversee the process for reviewing assessments of individuals
76 seeking certification to provide interpreter services in educational settings pursuant to section

77 37(3)(c). The Department shall maintain a list of all individuals who have demonstrated the
78 competencies necessary to be deemed certified to interpret in educational settings. The
79 Department shall ensure this list remains current.

80 (4) Only individuals who have been duly certified by the Department pursuant to section
81 37(3)(c) shall provide interpretation services in IEP meetings, school discipline hearings,
82 meetings held to address bullying concerns, and other meetings or communications relevant to a
83 student's educational rights, safety, or access to equal educational opportunities. In all other
84 instances, school committees must first attempt to secure certified interpreters, and, if certified
85 interpreters are unavailable, school committees may engage the services of competent
86 interpreters who have not been certified by the Department.

87 (5)(a) Section 37 (1), (2), (3) of this act shall take effect on January 1, 2021

88 (b) Section 37 (4) of this act shall take effect on July 1, 2021 only in school districts
89 designated as chronically underperforming pursuant to MGL Chapter 69 section 1K in order to
90 enhance the ability of said districts to reach the required annual goals of their turnaround plan,
91 including but not limited to the goals focused on closing the achievement gap for limited
92 English-proficient students and the goals focused on increasing the engagement of parents and
93 families with limited English proficient children in order to maximize the rapid achievement of
94 said students.

95 (c) With respect to school districts in the Commonwealth other than school districts
96 designated as chronically underperforming pursuant to MGL Chapter 69 section 1K, Section
97 37(4) shall take effect when certified as appropriate by the Department in a report to the general
98 court.