

**SENATE . . . . . No. 303**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Brendan P. Crighton***

*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 training, assessment, and assignment of qualified school interpreters in educational settings.

PETITION OF:

| NAME:                           | DISTRICT/ADDRESS:              |                  |
|---------------------------------|--------------------------------|------------------|
| <i>Brendan P. Crighton</i>      | <i>Third Essex</i>             |                  |
| <i>Jack Patrick Lewis</i>       | <i>7th Middlesex</i>           | <i>2/26/2021</i> |
| <i>Jason M. Lewis</i>           | <i>Fifth Middlesex</i>         | <i>3/9/2021</i>  |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i>          | <i>3/9/2021</i>  |
| <i>Angelo J. Puppolo, Jr.</i>   | <i>12th Hampden</i>            | <i>3/25/2021</i> |
| <i>Kay Khan</i>                 | <i>11th Middlesex</i>          | <i>4/8/2021</i>  |
| <i>James B. Eldridge</i>        | <i>Middlesex and Worcester</i> | <i>4/27/2021</i> |

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By Mr. Crighton, a petition (accompanied by bill, Senate, No. 303) of Brendan P. Crighton, Jack Patrick Lewis, Jason M. Lewis, Carmine Lawrence Gentile and other members of the General Court for legislation relative to the training, assessment, and assignment of qualified school interpreters in educational settings. Education.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act relative to the training, assessment, and assignment 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 assignment of qualified school interpreters in  
4 educational settings

5           (1) 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           “Person with Limited English Proficiency (Person with LEP)” an individual who has a  
9 limited ability to read, write, speak or understand English because the person uses primarily a

10 language other than English. This includes parents or guardians of minor children with LEP,  
11 regardless of the children’s LEP status.

12 “Interpretation” the immediate oral rendering of an utterance from a source language into  
13 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 acting  
20 in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative)  
21 with whom the child lives, or an individual who is legally responsible for the child’s welfare.

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

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

30 “Tier 1 Interpreter” an interpreter whose language proficiency need not be formally  
31 assessed.

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

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

40 (2) Consistent with the recommendations of the School Interpreters Task Force, as  
41 authorized by Section 81 of Chapter 154 of the Acts of 2018, the department shall:

42 (A) develop and administer a system for training, assessing, and determining  
43 qualifications of interpreters in educational settings with assurance that tier 3 interpreters shall be  
44 used for all specialized meetings, tier 2 or 3 interpreters may be used for all standard meetings  
45 and Tier 1 interpreters may be used during spontaneous, unannounced meetings or  
46 communication scenarios that occur in schools when a tier 3 or 2 interpreter is not available;

47 (B) develop and make available an educational course of sufficient duration that includes  
48 coursework and field experience to support development of the key competencies and knowledge  
49 required of interpreters in schools; and

50 (C) create a publicly accessible mechanism to identify tier-3 interpreters for scheduled  
51 specialized meetings.

52 (3) 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 parents with LEP. 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  
56 shall include but not be limited to:

57 (A) 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 (B) required hours of supervised field experience for tier-3 interpreters;

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