

NEW SPECIAL EDUCATION REGULATIONS REQUIRE QUALIFIED INTERPRETERS AT IEP MEETINGS

Effective January 22, 2021, the Illinois State Board of Education (ISBE) has adopted new regulations that require districts to provide “Qualified Interpreters” at IEP meetings to allow parents, whose native language is other than English, to meaningfully participate in the meeting. The regulations also require districts to give parents notice of the availability of interpretation services. ISBE sets forth credentials for a “Qualified Interpreter.”

The new regulations require that districts:

- Pay for qualified interpreters to attend IEP meetings. If the district does not employ a qualified interpreter, the district may use outside vendors, including telephonic interpreters.
- Provide in an annual notice to all parents of children with disabilities, and in each Notice of IEP Conference, information about the availability of interpretation services at IEP meetings, an explanation of how parents can request an interpreter, notice that the parent may request that the interpreter serve no other role at the IEP meeting and that the district should make reasonable efforts to fulfill this request, and a person to contact with any questions or complaints about interpretation services.
- Document whether a parent requested an interpreter, previously requested interpretation, or had otherwise indicated that an interpreter was necessary to meaningfully participate in the IEP meeting, the language for interpretation, whether a qualified interpreter was provided for each IEP meeting, whether the parent requested that the interpreter serve no other role in the IEP meeting and whether the district granted that request.

The regulations provide numerous requirements for “Qualified Interpreters.” The individual must:

- Satisfy all employment requirements of the district.
- Demonstrate proficiency in English and the target language by passing State-approved language proficiency tests in the domains of listening, speaking, and reading. (The regulations provide exemptions to taking these tests if the individual possesses certain degrees or licenses, a State Seal of Bilingualism, certain certifications or received a score of 4 or higher on an Advanced Placement language test in the target language).
- Complete at least six hours of training on special education terminology and protocols. (The regulations provide an exemption for individuals who hold special education licenses, endorsements, or approvals).

- Complete at least nine hours of training on (1) interpreting in and out of English; (2) interpretation standards of practice, ethics, and confidentiality; (3) the role of the interpreter and role boundaries; and (4) respect, impartiality, professionalism, cultural competence and responsiveness and advocacy for communication and cultural needs. This training must include videos demonstrating proper and improper interpretation techniques.
- After completing the nine hours of training, achieve a score of at least 80% on a written examination to demonstrate knowledge of special education terminology and protocol, interpretation standards and techniques, and interpretation ethics.
- After completing the nine hours of training, achieve a score of at least 70% on an oral examination on interpreting in and out of English, through consecutive or simultaneous interpreting, and sight translation.

To maintain the designation of “Qualified Interpreter,” the individual must participate in at least six hours of ongoing professional development at least once every two years in the areas of confidentiality, accuracy, impartiality, interpreter ethics and professionalism, cultural awareness, special education processes, special education vocabulary, and language acquisition.

The new regulations respond to the concerns of parents who brought suit against Chicago Public Schools in *H.P. v. Board of Education of the City of Chicago*, who alleged that CPS failed to provide competent interpretation services. The parents argued that their children were denied a Free Appropriate Public Education because, without effective interpretation services, the parents could not meaningfully participate in their children’s IEP meetings or in decisions critical to their special education.

Collective bargaining issues such as the provision and payment for training to become and maintain status as a Qualified Interpreter may arise, depending upon how the district provides these services.

If you have questions regarding the new special education regulations, please contact one of our attorneys in Flossmoor (708.799.6766) or Oak Brook (630.928.1200).