

# Illinois State Board of Education Special Education Department

## Guidance Document Qualified Interpreting and Translation Requirements

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# Guidance Document

## Qualified Interpreting and Translation Requirements

### Table of Contents

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<b>A.</b>	<b>Definition of Qualified Interpreter</b>	
A-1.	What is a “qualified interpreter”?	Page 4
<b>B.</b>	<b>Qualified Interpreter Training</b>	
B-1.	What training is required to become a qualified interpreter?	Page 4
B-2.	Who is responsible for providing the training?	Page 5
B-3.	What must districts do if there is no training currently available?	Page 5
B-4.	When must training be completed by?	Page 5
<b>C.</b>	<b>Special Education Training</b>	
C-1.	What are the requirements for training in special education?	Page 6
C-2.	What will be included in the six hours of training in special education terminology and protocol provided by ISBE’s vendor?	Page 6
C-3.	Can districts and cooperatives provide special education training?	Page 6
<b>D.</b>	<b>Exemptions to Training</b>	
D-1.	Which individuals will be exempt from the training?	Page 7
D-2.	Are certified court or medical interpreters required to complete the training?	Page 7
D-3.	Will community volunteers who interpret at IEP meetings be exempt from training?	Page 7
<b>E.</b>	<b>Qualified Interpreter Designation</b>	
E-1.	How does an individual receive designation as a qualified interpreter?	Page 7
E-2.	Does an individual have to take the training through the vendor to receive the designation?	Page 7
E-3.	How do qualified interpreters maintain their designation?	Page 8
E-4.	How will districts know which interpreters are qualified?	Page 8

<b>F.</b>	<b>Examinations</b>	
F-1.	What are the requirements to demonstrate competency?	Page 8
F-2.	What is required to pass the examination?	Page 9
<b>G.</b>	<b>Notification to Parents</b>	
G-1.	What are the requirements for notifying parents about how to request an interpreter?	Page 9
G-2.	What documentation must school districts maintain regarding parental notification?	Page 10
G-3	Can parents refuse to have an interpreter?	Page 10
<b>H.</b>	<b>Interpretation Requirements for Due Process and Mediation Sessions</b>	
H-1	Is a district required to provide a qualified interpreter at due process hearings and mediation sessions?	Page 11
<b>I.</b>	<b>Sign Language Interpreters</b>	
I-1.	Do the requirements for qualified interpreters apply to sign language interpreters?	Page 11
<b>J.</b>	<b>Translation of Special Education Documents</b>	
J-1.	What special education documents require translation?	Page 11
J-2.	May a parent ask for translated documents not included in the Vital Documents List?	Page 12
J-3.	What are the 10 most commonly spoken languages into which districts are required to translate documents?	Page 12
J-4.	If parents indicate that they would like to receive all documents in English, must a district provide a translated copy?	Page 13
J-5	Do translated documents also require parent signatures?	Page 13
<b>K.</b>	<b>Timelines for Translations</b>	
K-1.	What is the timeline for providing translated documents to parents?	Page 13
<b>L.</b>	<b>Translation Requirements</b>	
L-1.	Who can complete the translation of documents?	Page 13
L-2.	Are qualified interpreters responsible for translation of documents?	Page 14
<b>M.</b>	<b>Documentation Required</b>	
M-1.	What documentation must school districts maintain regarding translation of documents?	Page 14

## A. Definition

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### A-1. What is a “qualified interpreter”?

A qualified interpreter is defined by [23 IAC 226.75](#) as school staff member or other personnel who is bilingual and demonstrably qualified and competent to interpret between English and another language, trained in providing the interpretations requested and sufficiently knowledgeable in both languages of any specialized terminology needed, and trained in the ethics of interpretation. The qualified interpreter could be an individual that a Local Education Agency (LEA) has on staff or an individual the LEA contracts with on an as-needed basis.

The requirements for qualified interpreters are provided in [23 IAC 226.800\(k\)](#). All interpreters for the common languages and American Sign Language shall be qualified interpreters.

A school district will make all reasonable efforts to provide an interpreter for the less common languages. The interpreter must be demonstrably qualified and competent to interpret into and out of the less common language, trained in providing the interpretations requested and sufficiently knowledgeable in both languages and of any specialized terminology needed, and trained in the ethics of interpretation.

In fulfilling this request, a school district may use outside vendors, including telephonic interpreters, that are commercially recognized as providing competent interpretation services.

*Regulations went into effect on January 22, 2021, and updates went in effect on February 6, 2023, but districts will not be required to fully comply with the qualified interpreter regulations until the Illinois State Board of Education (ISBE) is able to offer the entirety of the qualified interpreter training through its contract with the University of Illinois Urbana-Champaign; however, districts are required to comply with all translation requirements at this time. Training commenced in Spanish in fall 2023. Districts can view the official [Training for Qualified IEP Interpreters website](#) for the most up-to-date training available. ISBE will notify districts when training in additional languages becomes available.*

## B. Qualified Interpreter Training

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### B-1. What training is required to become a qualified interpreter?

One must complete at least nine hours of training in the following areas to receive the designation of a qualified interpreter:

- Interpreting into and out of English
- Interpretation standards of practice, sight translation, ethics, and confidentiality
- Role of the interpreter and role boundaries

- Respect, impartiality, professionalism, fundamentals of the effects of cultural differences on effective interpretation, and advocacy for communication
- Proper and improper interpretation techniques as depicted in video format.
- Interpreter [Code of Ethics](#) as adopted by ISBE

Additionally, it is necessary to complete at least six hours of training on special education terminology and protocol, including successful completion of a written examination. Teachers with a current bilingual special education license endorsement or a current special education license endorsement are exempt from this six-hour training requirement and examination.

### **B-2. Who is responsible for providing the training?**

ISBE has contracted with UIUC to develop the training and provide assessments. Training has commenced in Spanish language as of fall 2023. ISBE will notify districts when training in additional languages becomes available. Districts can view the official [UIUC Training Qualified Interpreters webpage](#) for the most up-to-date training available.

### **B-3. What must districts do if there is no training currently available?**

Districts must provide competent interpreters for parents from non-English speaking backgrounds who need (take out or request) interpretation unless they have indicated that interpretation services are not needed. Districts should ensure that the interpreters they use understand special education terminology and processes in and out of the language of interpretation. A known interpreter may be utilized via the telephone. There may be times, however, when vendor interpretation services for languages with which their staff is not familiar may be used. Caution should be exercised as there is no guarantee the interpreters from these vendor services have special education knowledge. At a minimum, districts should ensure that vendor services are reputable and have experience interpreting in schools. Districts should work with interpreters ahead of time, if possible, to prepare them for any topics or specialized language they may encounter while interpreting the meeting.

### **B-4. When must training be completed by?**

Training must be completed on an ongoing basis as training in different spoken languages continues to become available. School districts that are awaiting availability of training slots with UIUC should develop or update training modules that conform with [23 IAC 226.75](#), [226.800\(k\)](#), the [Illinois Educator Code of Ethics](#), and ISBE's [Code of Ethics for Qualified Interpreters](#).

## **C. Special Education Training**

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### **C-1. What are the requirements for training in special education?**

As mentioned in B-1., qualified interpreters must have nine hours of training on interpreting in and out of English; interpretation standards of practice, ethics, and confidentiality; the role of the interpreter and role boundaries; respect, impartiality, professionalism, cultural competence and responsiveness, and advocacy for communication and cultural needs; and proper and improper interpretation techniques as depicted in video format.

In addition, they must complete at least six hours of training in special education terminology and protocol, including successful completion of a written examination to demonstrate knowledge of such terminology and protocol. Teachers who hold a current bilingual special education license endorsement or current special education license endorsement are exempt from the six-hour training requirement on special education terminology and protocol.

### **C-2. What will be included in the six hours of training in special education terminology and protocol provided by ISBE's vendor?**

The six hours of training will include, but not be limited to, terminology related to procedures for the referral, evaluation and reevaluation, identification of disabilities, consideration of special factors, and eligibility of special education and related services. It will include knowledge of terminology related to the Individualized Education Program (IEP), including present levels of academic achievement and functional performance, goals and objectives, supplementary aids, accommodations and modifications, postsecondary transition plan, Behavioral Intervention Plan, and educational services and placement. Training will inform interpreters about procedural safeguards, including dispute resolution options. Training will cover commonly used special education vocabulary, including acronyms that may be used by special education personnel during IEP meetings, and shall include, but not be limited to, categories of disability, least restrictive environment, and related services. Pursuant to [23 IAC 226.800\(k\)\(1\)\(E\)](#), after completing the required training, individuals must pass a written exam on special education terminology and protocol, interpretation standards and techniques, and interpretation ethics. A minimum score of 80% must be achieved to receive qualification.

### **C-3. Can districts and cooperatives provide special education training?**

Until official training via the University of Illinois has been completed by requisite district staff, districts and cooperatives should provide comprehensive training to ensure that the interpreters utilized demonstrate understanding of special education terminology and processes; however, this district-based training will not count toward the training required by Illinois regulations to receive a qualified interpreter designation.

## **D. Exemptions to Training**

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### **D-1. Which individuals will be exempt from the training?**

All individuals who wish to serve as qualified interpreters must successfully complete training; however, teachers with bilingual special education license endorsements or a current special education license endorsement are exempt from the six-hour training requirement on special education terminology and protocol.

### **D-2. Are certified court or medical interpreters required to complete the training?**

Individuals who hold interpretation certificates, such as from the Illinois state courts' certification program, the federal courts' certification program, the National Board of Certification for Medical Interpreters, the Certification Commission for Healthcare Interpreters, or the Registry of Interpreters for the Deaf, are exempt from the state-approved language proficiency tests described in [23 IAC 226.800\(k\)\(1\)\(B\)\(ii\)](#); however, they are not exempt from the special education training ([226.800\(k\)\(1\)\(C\)](#)), the code of ethics training ([226.800\(k\)\(1\)\(D\)](#)), and the successful completion of the applicable oral and written exams ([226.800\(k\)\(1\)\(E\)](#)).

### **D-3. Will community volunteers who interpret at IEP meetings be exempt from training?**

Federal regulations [[34 CFR 300.322\(e\)](#)] assert that qualified interpreters must be used to interpret for IEP meetings. Community volunteers who meet the minimum qualifications to participate in the training may do so and work toward a qualified interpreter designation.

## **E. Qualified Interpreter Designation**

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### **E-1. How does an individual receive designation as a qualified interpreter?**

After completing and passing the required training and exams, the program vendor will submit a trainee's information to the Illinois State Board of Education. The designation of Qualified Interpreter will appear on the trainee's Educator Licensure Information System (ELIS) account.

### **E-2. Does an individual have to take the training through the vendor to receive the designation?**

Yes, an individual will have to take the training through UIUC to become qualified.

### **E-3. How do qualified interpreters maintain their designation?**

According to [23 IAC 226.800\(k\)\(2\)](#), to maintain the designation of "qualified interpreter," an individual must participate in at least six hours of ongoing professional development related to interpretation at least once every two years in the following categories:

- A. Confidentiality
- B. Accuracy
- C. Impartiality
- D. Interpreter ethics and professionalism
- E. Cultural awareness
- F. Special education processes
- G. Special education vocabulary
- H. Language acquisition

### **E-4. How will districts know which interpreters are qualified?**

Districts can perform a credential search for a potential interpreter through the administrator access of ELIS. The interpreter's Illinois Educator Identification Number (IEIN) is required.

## **F. Examinations**

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### **F-1. What are the requirements to demonstrate competency?**

An interpreter may demonstrate competency by either:

i) Submitting documentation showing that they are certified or qualified through an interpreter certification program, such as the Illinois state courts' certification program, the federal courts' certification program, the National Board of Certification for Medical Interpreters, the Certification Commission for Healthcare Interpreters, or the Registry of Interpreters for the Deaf. Alternatively, an interpreter may submit documentation showing that they completed a certification or qualification program that meets or exceeds the minimum standards set forth in subsection [23 IAC 226.800\(k\)\(1\)\(ii\)](#); or

ii) Completing a certification program that includes:

- A written and oral proficiency test and fluency in both English and the second language, except that individuals who have a Professional Educator License with a bilingual endorsement are exempt from this requirement for the endorsed language;
- At least nine hours of training on interpreting in and out of English; interpretation standards of practice; sight translation; ethics; confidentiality; the role of the interpreter and role boundaries; respect, impartiality, professionalism, fundamentals of the effects of cultural differences on



effective interpretation; and advocacy for communication. This training must include videos demonstrating proper and improper interpretation techniques; **and**

- A successful demonstration of knowledge of interpretation standards and techniques and a successful completion of an oral examination to demonstrate proficiency to interpret in and out of English and consecutive or simultaneous interpreting.

## **F-2. What is required to pass the examination?**

After completing the required training, the following requirements of [23 IAC 226.800\(k\)\(1\)\(E\)](#), must be met:

- i) Successfully complete, with a score of 80% or higher, a written examination to demonstrate knowledge of:
  - Special education terminology and protocol;
  - Interpretation standards and techniques; and
  - Interpretation ethics; and
- ii) Successfully complete an oral examination, with a score of 70% or higher, to demonstrate proficiency in:
  - Interpreting in and out of English, through consecutive or simultaneous interpreting; and
  - Sight translation.

## **G. Notifications to Parents**

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### **G-1. What are the requirements for notifying parents about how to request an interpreter?**

In accordance with [23 IAC 226.530](#), the district shall take whatever action is necessary to facilitate the parents' understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of a qualified interpreter, as described in Section [226.800\(k\)](#), for parents whose native language is other than English or for an interpreter licensed pursuant to the Interpreter for the [Deaf Licensure Act of 2007 \(225 ILCS 443\)](#) for parents who are deaf.

Each school district must provide to all parents of children with disabilities annually as well as in each Notice of Conference the following information annually:

- 1) Notice to all parents of children eligible for an IEP about the availability of interpretation services at IEP team meetings. This notice should be provided in English, in all common languages, and in the parent's preferred language, if known and practicable;
- 2) An explanation of how parents can request an interpreter;

- 3) Notice that a parent has the right to request that the interpreter provided by the school district serve no other role in the IEP meeting other than as an interpreter and that the school district should make reasonable efforts to fulfill this request. If a parent believes the school district unreasonably denied their request for an interpreter who serves no other role in the IEP meeting, such parent has all rights under IDEA and Article 14 of the School Code, including a due process hearing, state complaint, mediation, ISBE monitoring, and by filing a complaint with the Office for Civil Rights;
- 4) A point of contact for any questions or complaints about interpretation services; and
- 5) Notice to all parents of children eligible for an IEP of the availability of written translations of vital IEP process documents, how to request translated documents, and who to contact with any questions or complaints about the translations. This notice should be provided in English, in all common languages, and in the parent's preferred language, if known and practicable.

"Preferred language" means a parent's or guardian's native language or any other language with which both parents or guardians are fluent and have agreed upon. Preferred language does not include artificial or constructed languages, including, but not limited to, Klingon, Dothraki, Elvish, or Esperanto.

## **G-2. What documentation must school districts maintain regarding parental notification?**

Each school district must record the following information within the IEP Conference Summary Report and report anonymously aggregated data at the individual school level to ISBE using the IEP-Student Tracking and Reporting (I-Star) System:

- 1) Whether a parent requested an interpreter, had previously requested interpretation services, or had otherwise indicated that an interpreter was necessary to ensure meaningful parental involvement in the IEP meeting;
- 2) The language for interpretation;
- 3) If a qualified interpreter was provided for each IEP meeting; and,
- 4) If a parent requested that the interpreter serve no other role in the IEP meeting and, if so, whether the school district granted that request

## **G-3. Can parents refuse to have an interpreter?**

Yes. The parent/guardian has the right to decline to have a qualified interpreter present at the IEP meeting. School districts must proactively provide an interpreter for meetings if they are aware that there is a need. At the meeting, the parents must be given the opportunity to consent

to having the interpreter present. A school district should not provide an interpreter if a parent/guardian does not provide express consent. If the parent refuses the interpreter, districts should document it in the IEP notes section. Districts may get clarification from the parent whether they are refusing the interpreter for the single meeting or if they are refusing any future interpretation services as well.

Please note: “Consent” does not mean that the parent must request an interpreter to have an interpreter provided. Consent indicates that the parent agrees to the qualified interpreter participating in the IEP meeting.

## **H. Interpretation Services at Due Process Hearings and Mediation Sessions**

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### **H-1. Is a district required to provide a qualified interpreter at due process hearing and mediation sessions?**

Yes. See ISBE’s [Policy and Procedure for Qualified Interpretation and Translation Services in Medication and Due Process Hearing](#).

## **I. Sign Language Interpreters**

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### **I-1. Do the requirements for qualified interpreters apply to sign language interpreters?**

A district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of a qualified interpreter, as described in [Section 226.800\(k\)](#), for parents whose native language is other than English **or for an interpreter licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443]** for parents who are deaf. All interpreters for the common languages and American Sign Language shall be qualified interpreters.

## **J. Translation of Special Education Documents**

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### **J-1. What special education documents require translation?**

Written translation of the Vital Documents List into the 10 most commonly spoken languages in Illinois, other than English, must be provided to non-English speaking parents of children with disabilities. This requirement includes translation of the individualized substance of documents on the Vital Documents List.

The Vital Documents List includes the IEP, Parent/Guardian Notification of Conference, Parent/Guardian Notification of Conference Recommendations, Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities, Parent/Guardian Consent for Initial Evaluation, Parent Consent for Reevaluation, Evaluation Reports, Eligibility Determination, Manifestation Determination Review documents, IEP Progress Reports, and Medicaid Consent Forms.

The district must provide notice to all parents of children eligible for an IEP that written translations of vital IEP process documents are available, how to request translated documents, and whom to contact with any questions or complaints about the translations. This notice must be provided in English, in all common languages, and in the parent's preferred language, if known and practicable.

In addition, per [23 IAC 226.520](#), if an IEP contains a proposal or refusal to initiate or change the educational placement of a child, the Conference Recommendations must be provided in writing in the preferred language of the parent or other mode of communication used by the parent (such as orally if the parent is illiterate or when parents' preferred language has no written form.).

#### **J-2. May a parent ask for translated documents not included in the Vital Documents List?**

Parents may request translation of documents not on the Vital Documents List that have a vital relation to the child's educational planning through the same process identified on the Notification of Conference form, and school districts must make reasonable efforts to provide the requested translations in a timely manner.

#### **J-3. What are the 10 most commonly spoken languages into which districts are required to translate documents?**

The top 10 languages are identified by the most recently published [English Learners in Illinois Statistical Report](#).

ISBE currently has IEP templates available in Arabic, Chinese, Chinese (Simplified), Chinese (Traditional), French, Gujarati, Korean, Polish, Russian, Spanish, Tagalog, Ukrainian, Urdu, and Vietnamese on the [ISBE IEP Forms webpage](#).

If documents were translated a previous year -- but the language does not appear on the annual list -- it is recommended but not required that the district continue to translate such documents.

**J-4. If parents indicate that they would like to receive all district documents in English, must a district provide a translated copy?**

No. If the parent has stated that they do not want documents translated, a district can indicate this in the Additional Notes section of the IEP or document it via the district's preferred method of record keeping.

**J.5. Do translated documents also require parent signatures?**

No. If written consent has been obtained when applicable, it is not necessary for parents to sign both English and translated forms.

## **K. Timelines for Translations**

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**K-1. What is the timeline for providing translated documents to parents?**

For the 10 most commonly spoken languages, a translated Parent/Guardian Notification of Conference Recommendations form and all other applicable elements of IEP forms must be provided simultaneously with English IEP documents. All reasonable efforts to provide the IEP **within seven school days** after the IEP meeting must be made, or as soon as possible thereafter.

All other vital IEP documents must be translated and provided to parents as soon as practicable but **not more than 30 school days** after the IEP meeting.

## **L. Translation Requirements**

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**L-1. Who can complete the translation of documents?**

All translations must be performed by competent translators who have undergone sufficient professional training regarding special education terminology and processes; or by outside vendors that are commercially recognized as providing competent translation services; or, if a school district elects to utilize an automated translation program or application (e.g., Google Translate), the results must be reviewed and edited, as needed, by an individual qualified to determine the accuracy of the translation. All translations must be certified to be true and accurate by the translator to the best of the translator's knowledge or ability.

## **L-2. Are qualified interpreters responsible for translation of documents?**

Interpretation and translation are two very different skills. Qualified interpreters have demonstrated their competency at interpretation. It is at the discretion of the employing school district to determine if the qualified interpreter will also be responsible for the competent translation of documents.

## **M. Documentation Required**

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### **M-1. What documentation must school districts maintain regarding translation of documents?**

Each school district must track the following data and must report that anonymously aggregated data at the individual school level to ISBE on an annual basis through I-Star or another adopted reporting system:

- 1) The number of Parent/Guardian Notification of Conference Recommendations forms and IEPs prepared during the year for which a parent requested translation, had previously requested translation services, or had otherwise indicated that a translation was necessary;
- 2) The number and percentage of Parent/Guardian Notification of Conference Recommendations forms and IEPs prepared, by language, when a translated Parent/Guardian Notification of Conference Recommendations form and an IEP were provided;
- 3) The number and percentage of such Parent/Guardian Notification of Conference Recommendations forms, by language, when a translated Parent/Guardian Notification of Conference Recommendations form was provided at the time of the IEP meeting;
- 4) The number and percentage of the Parent/Guardian Notification of Conference Recommendations forms that were translated and the average number of school days between the IEP meeting and provision of the translated Parent/Guardian Notification of Conference Recommendations, by language;
- 5) The number and percentage of IEPs, by language, when a translated IEP was provided within 30 school days of the IEP meeting; and,
- 6) Of the IEPs that were translated, the average number of school days between the IEP meeting and provision of the translated IEP, by language.