



Assessment in Special Education

Part 17 -- Special Education Interpreting: Challenges and Legal Aspects

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Abstract

This edition of NASET's Assessment in Special Education series was written by Silvia González Koch from Arlington Public Schools, Virginia. This article provides analysis of the challenges that educational language interpreters face in providing services in Special Education procedures and focuses on interpreting in Eligibility Meetings. The author provides relevant information about Special Education and the laws that guide it, as well as resources and ideas for coping with these challenges.

Keywords: Interpreting, k-12 education, Special Education, Eligibility Meetings. Individuals with Disabilities Education Act.

SPECIAL EDUCATION INTERPRETING AND ITS LEGAL ASPECTS

Is interpreting in schools the proverbial “walk in the park”? Compared to interpreting in courts, school interpreting is different. There is often less intensity in the educational environment than in court proceedings. School proceedings are not legal proceedings, they are educational procedures, in which collaboration is the point of departure in even the most difficult school meetings, with foremost consideration on what is in the best interest of the child. This is not to say that special education school procedures are not without significant challenges and legal ramifications. Like court proceedings, educational procedures also include legal requirements and issues, special terminology, and important decisions.

Challenges of school interpreting in Special Education

Let's begin with the plusses of interpreting in schools. First, most interpreters will have had first-hand experience with general education; they understand what schools are about and what goes on in them. Another plus is that interpreters understand the most basic general educational vocabulary, systems, and processes. General education is familiar territory. In addition, qualifying to be a school interpreter is less demanding than qualifying to be a court interpreter.

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Qualifying as a school interpreter may include taking language tests and completing coursework about interpreting standards, strategies, and expectations. Not all school systems offer or require training, and some outsource interpreting to companies that may not require rigorous training specific to education. Now, let's look at the challenges of translating in Special Education proceedings.

A Most Difficult Challenge

No challenge may be as exacting for interpreters as serving in Special Education Eligibility Meetings. The field of Special Education is rather arcane and tightly bound by legal procedures. Although the Special Education process requires other meetings, Eligibility Meetings are pivotal and seem to be particularly complex for interpreters. Thus, this article focuses on interpreting in Eligibility Meetings. To understand some of the challenges of Eligibility Meetings, the reader may benefit from background information about Special Education and Eligibility Meetings.

Special Education

Special education is a service offered to students who are facing learning challenges due to a disability. These services are required by law and offered in the student's school, whenever possible, free of charge. Identification of students for provision of services is bound by tight, legal regulations and timelines, and embedded in special terminology.

To receive Special Education services students must first be found to have a disability. There are thirteen types of disabilities, and the student must meet the criteria for at least one, in order to receive services. There must be clear determination of the learning challenges, possible causes, and verification that they are indeed present and affect learning. Determination is decided at an Eligibility Meeting, which in turn must have been preceded by other specific processes. The Eligibility Meeting is pivotal. Time is of the essence. Schools must complete required procedures according to specific timelines. Eligibility Meetings concerning different students may be scheduled an hour or less apart. Thus, time must be managed well by interpreters and they must prepare themselves by becoming familiar with types of disabilities, special education procedures, and terminology so that they can render quick and accurate interpretation.

Eligibility Meeting Challenges

Interpreters must have the necessary skills to render interpretation in a prompt, correct, and impartial manner understandable to all participants. The number and function of participants in the meeting present interpreters with challenges of comprehension of subject matter, presentation, voice and visual accessibility, and time management. In Eligibility Meetings, interpreters interpret for a team of educational specialists that may include: a school psychologist, the school principal, a special education coordinator, a speech therapist, an occupational therapist, a social worker, a teacher, the parents of the student, the student, and others. Each specialist provides the results of assessment and observations, orally and in writing. These reports from specialists are thoroughly discussed in the Eligibility Meeting.

Understanding terminology and providing an equivalent term or a meaningful substitution in the target language are perhaps the most exacting aspects of interpreting in an Eligibility Meeting. Reports of assessments and observations presented by each specialist, are detailed and also summarized by each specialist. Specialists use technical terms from their field of expertise, germane to the findings and discussion. Questions and discussion follow each presentation. Interpreters must comprehend all of this and render interpretation accurately, succinctly, and quickly, using correct terminology in the target language, while remaining neutral and transparent.

The concept of Special Education is culturally rooted in American education and practice. There may be no equivalent special education concepts, models or constructs in the target language and culture. Thus, it behooves interpreters to study the meaning of terminology in English, so they can render meaningful interpretation or its equivalent, meaningful substitution.

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Resources about terms, are included in the Addendum: Resources in this article. Interpreters must study terminology and understand it thoroughly. Use of these terms is unavoidable, as they are inherent to the protocols and categories of assessments used; the interpreter can count on their use. Schools may have glossaries of such terms. Interpreters should inquire about accessing glossaries and should study them, before providing services. Interpreters may also request a meeting with the school psychologist and/or the educational test administrator, before the meeting, or request a copy (without the student's name) of the reports ahead of time, to prepare for translating. Interpreters should routinely read articles about special education and disabilities and study resources, such as *A Parent's Guide to Special Education*, developed by the Virginia Department of Education; other states provide similar guides. Interpreters must also know how to use strategies to ask for clarification appropriately, in the least intrusive manner.

Challenges of Opinion and Confidentiality

A difficulty that interpreters may encounter is rendering interpretation in an atmosphere that may become contentious due to lack of agreement between parties. Parental consent is required for some procedures, but parents and school staff may disagree about determination of eligibility, the type of disability, its impact on learning, and other matters. When discussions become contentious, participants may speak faster, express discontent in angry, sad, or emotionally laden ways, and may continue to speak without stopping. Such situations are difficult for all involved. In addition, interpreters must remain neutral at all times and keep up with the pace. Interpreters need to be adept in the use of appropriate strategies, such as switching between interpreting modes, requesting repetition or clarification, using voice, tone, and language register appropriately. Above all, rendering clear interpretation while remaining neutral is paramount. Interpreters may not take sides, nor offer their opinion, even when asked. They must know and use strategies that allow them to remain neutral.

Interpreters may also face a difficult challenge when parents assume that they are their personal allies. As such, it is possible that interpreters may be contacted after the Eligibility Meeting by parents or other members of the Eligibility Meeting to further discuss the proceedings. Interpreters must abide by confidentiality standards *at all times* and may not engage in any form of discussion or communication; they must be confident in exercising confidentiality responsibilities and in appropriately refusing further engagement. Interpreters should refer the person to contact the original chair of the Eligibility Meeting or the school principal.

Legal Technicalities

Special Education is guided by the Individuals with Disabilities Education Act (IDEA). This law ensures that students with a disability are provided with a Free Appropriate Public Education (FAPE) that is tailored to their individual needs. IDEA is composed of six main elements: Individualized Education Program (IEP), Free and Appropriate Public Education (FAPE), Least Restrictive Environment (LRE), Appropriate Evaluation, Parent and Teacher Participation, and Procedural Safeguards. The section "Addendum Resources" in this article, provides information to access IDEA.

Procedural Safeguards require previous parental notification of meetings and of changes in program, consent, appropriate evaluations, and delivery of services in the least restrictive environment, strict confidentiality, as well as other legal safeguards for the protection and benefit of students. Interpreters should familiarize themselves with these safeguards. Although each state publishes its own Procedural Safeguards, all must meet the requirements of IDEA; therefore, safeguards are similar between states. The reader may refer to Addendum: Resources in this article for more information.

Conclusion

In conclusion, school interpreting in Special Education Eligibility Meetings is a challenging field of language interpreting. Special Education interpreting presents challenges similar to those encountered in court interpreting. Interpreters must have the knowledge and skills to cope with challenges such as abiding by interpreting standards, understanding Special Education laws and procedures, knowing unique Special Education terminology in English and in the target language, keeping up with the pace, managing conflict, and maintaining confidentiality. Interpreters must prepare by studying and participating in professional development. Resources for interpreters are provided here. School interpreting is not simply a “walk in the park”.

Addendum: Resources

Interpreters will find useful text and media resources. The following are recommended as a starting point; they focus on Special Education in the state of Virginia; however, interpreters will find a wealth of resources for various states, as well. Special Education law, processes, and terminology are very similar across the United States, although states are allowed limited authority to determine aspects of Special Education.

1. Definition of Special Education.

- a. A Parents' Guide to Special Education, developed by the Virginia Department of Education will help interpreters understand Special Education. It describes the law, processes, procedural safeguards, parental rights, helpful acronyms, abbreviations, and a glossary of Special Education terms.

2. Special Education law.

- a. The Individuals with Disabilities Education Act (IDEA), Special its history and categories are explained by the group, UnderstandingSpecialEducation.
- b. The Center for Parent Information and Resources offers information, in English and Spanish, about the Individuals with Disabilities Education Act, enacted by Congress in 1975 as well as about recent amendments.
<http://www.parentcenterhub.org/repository/idea/>
- c. Published by Understood.org, *How IDEA Protects You and Your Child*, provides a clear explanation of the purpose and services of IDEA.

3. Special Education process.

- a. The steps in the special education process are shown by the

Virginia Department of Special Education in
http://www.doe.virginia.gov/special_ed/

4. Special Education terms.

1. An extensive list of *Special Terms and Definitions* is offered by Understanding Special Education.com, at
<http://www.understandingspecialeducation.com/special-education-terms.html>
2. This extensive Glossary includes terms translated from English to Spanish.
<http://vafamilysped.org/Resource/JWHaEa5BS76MKQofodGZAw/Resource-osep-english-to-spanish-translation-glossary>
3. Special Terms and Definitions commonly used in meetings for development of Individual Education Programs (IEP) are explained by Understanding Special Education.com at
<http://www.understandingspecialeducation.com/special-education-terms.html>

5. Procedural safeguards.

- a. The Virginia Department of Education offers information about Special Education, including Virginia Procedural Safeguards, in English and in seven other languages, at
http://www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/english_procedural_safeguards.pdf

References

- Center for Parent Information and Resources. (2014). *IDEA – The Individuals with Disabilities Information Act*. NICHCY, legacy resource. Retrieved from www.parentcenterhub.org/repository/idea/
- Commonwealth of Virginia. (2010). *A Parents' Guide to Special Education* (2nd ed.) Virginia Department of Education. Richmond, Virginia. Retrieved from http://www.doe.virginia.gov/special_ed/parents/parents_guide.pdf
- Lee, Andrew M.I. (2016). *How IDEA Protects You and Your Child*. Retrieved from <https://www.understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/how-idea-protects-you-and-your-child>
- UnderstandingSpecialEducation.com. (2009). *Special Education Law the Individuals with Disabilities Education Act*. Retrieved from <http://www.understandingspecialeducation.com/special-education-law.html>
- UnderstandingSpecialEducation. (2009). *Special Education Terms and Definitions*. Retrieved from <http://www.understandingspecialeducation.com/special-education-terms.html>
- Virginia Family Special Education Connection. (2015- 2016). Region 1 Parent Technical Assistance Center@SPAN OSEP. *The OSEP Glossary of Spanish Translations of Common IDEA Terms*. Retrieved from <http://www.neparentcenters.org/glossary/index.html>
- Virginia Department of Education Division of Special Education and Student Services. (2013). *Your Family's Special Education Rights*. Retrieved from http://www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/english_procedural_safeguards.pdf

About the Author

Silvia González Koch is an experienced educator, with forty years of experience teaching K-6 regular education, special education, and English as a Second language students. In addition, she was an elementary principal for fifteen years, and was responsible for supervising and managing special education programs at the school. Ms. Koch has also been a system-wide coordinator of language services including interpreting and translating, and has taught interpreting practices, standards, and strategies to language interpreters. She is bilingual, bicultural, originally from Puerto Rico, and is a graduate of Radford University and Virginia Tech and presently works in the Arlington (Virginia) Public Schools. (The author may be contacted at silvia.koch@apsva.us.)