



Multistate Association for  
Bilingual Education - Northeast

**Response following the Education Committee Hearing of the Commonwealth of  
Massachusetts in General Court for the Act Relative to the Training, Assessment, and Use  
of Qualified School Interpreters in Educational Settings  
Bill # H 552 | S 303**

June 1, 2021

To the Commonwealth of Massachusetts Education Committee House Chair, Ms. Alice Peisch and Senate Chair, Mr. Jason Lewis, and the Honorable Members of the Senate and House of Representatives of the Commonwealth of Massachusetts, the Multistate Association for Bilingual Education (MABE) provides this response, following the hearing of Bill # H 552 | S 303 that took place on May 20, 2021.

Oral and written testimonies were provided by MABE for this bill on September 4<sup>th</sup>, 2019, which included extensive information about the need of qualified interpreters in public schools and educational settings. This need also been ratified in federal and state law regarding language access requirements by the Office of Civil Rights (OCR) of the US Department of Education. Such law states that schools must: *“provide language assistance to LEP parents effectively with appropriate competent staff... It is not sufficient for the staff merely to be bilingual.”*<sup>1</sup> In addition, OCR has further clarified that individuals acting as interpreters must be trained in interpreters ethics, confidentiality, and have knowledge of specialized terms and concepts in both languages. The Massachusetts Department of Elementary and Secondary Education (MA DESE) has also issued guidance congruent with the OCR proposed principles.<sup>2</sup> Despite such guidance, the issue of public-school districts’ reliance on employees and/or volunteers who are often unqualified as interpreters or not properly trained to meaningfully communicate with parents remains as recurrent themes. Though school districts are making an effort to diversify their staff, the effective communication between school personnel and parents, and parents and families’ capacity to effectively navigate the processes of school setting are significantly undermined by the unbalanced bilingual skills, lack of familiarity with education-specific terminology, and limited knowledge, understanding of the ethics and confidentiality required to effectively

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<sup>1</sup> Letter from U.S. Department of Justice and US Department of Education on English Learner Students and Limited English Proficient Parents to School Education Agencies, School districts, and All Public Schools (Jan. 7, 2015). P.38.

<sup>2</sup>Guidance on the Initial Identification of English Learners for English Learners, Education Program Development and Evaluation for English Learners, and Guidance for English Learner Advisory Councils. MA Department of Elementary and Secondary Education, August 2018.

interpret information and support both schools and families with all matters related to a child's growth within their educational setting.

MABE stands alongside all individuals and organizations who have already provided insights to the issues stated above. In addition, to these concerns, MABE is also calling on the legislation to pass this bill as one that addresses core inequities for the almost 25% of MA households where English is not the first language.<sup>3</sup> Most specifically, MABE's advocacy for this bill lies on the fact that there are already precedents for the need of qualified interpreters in both the medical and court systems. For many years, the medical field and the judicial court system have recognized the need for skilled and trained interpreters, due to the technical language embedded in the standard operating procedures and due processes involved in both the medical and legal fields. MABE argues that the same conditions exist in public education. For instance, special education proceedings are all anchored under due process, which requires an understanding of legal and technical language and terms. Information at Individualized Educational Plan (IEP) meetings often includes very technical language associated with the science of learning, the technical language of assessment and testing of cognition, academic performance, social-emotional and behavioral functioning, all of which also require understanding of assessment processes and of how to communicate assessment results. In addition, there is a fair amount of technical language embedded in the description of specialized instruction and of different educational programs when placement considerations are made.

There have been district efforts, focused predominantly within Special Education operations, where procedures have been standardized to provide translated documents, such as IEPs and to having interpreters present during IEP meetings as much as possible. Yet, meaningful communication remains a challenge because translated versions of IEPs are not available at the time of the meetings, and even when an interpreter may be present at the IEP meeting, the quality of the interpretation is often substandard. Therefore, the critical decision making that still takes place during the meetings is frequently made without the parent's appropriate informed consent.

Another area that is regularly affected is Discipline. Discipline regulations and guidelines are complex and include due process that typically is resolved within a short period of time. Yet, within the context of due process that is already conflictive and/or stressful for all parties involved, parents frequently go through this process without true informed consent. There are many other areas aside from special education and discipline where school information and procedures are complex, and where the availability of certified skilled interpreters would enhance parent participation and improve decision making. These areas include student enrollment, meetings with guidance, meetings, and interactions with school nurses, to name a few.

The impact of the presence of qualified interpreters in the improvement of equity outcomes in school settings would be paramount. It would not only address the pervasive lack of informed

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<sup>3</sup> 2021 data from MA DESE enrollment by special populations found at:  
<https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=00000000&orgtypecode=0&leftNavId=305&>

consent in school-family communications, but also contribute to the necessary building of cultural and linguistic competency in our schools, as well as improvements in school culture for both students and staff, especially students of color including English learners.

MABE also argues that the passage of this bill will be instrumental in addressing one of the most salient challenges present in public education today which is parent and family engagement. Up to this point, the need for cultural and linguistically proficient interpreters has been predominantly associated with fostering a welcoming environment for all parents and guardians. However, such need has been mostly addressed at the surface level. The presence of qualified interpreters would address the issue of properly informing parents and guardians of school proceedings, within a culturally competent context, and with the appropriate resource, such as the mediation of a skilled interpreter. Such support would facilitate the inclusion of the voice of parents and guardians, as well as access to their right for meaningful participation in all decisions pertaining to their children's education. Furthermore, the passing of this bill will contribute to the legitimization of qualified interpreters in school settings in the most common minority languages. We argue that, legitimizing the presence of these professionals would be a very important step towards increasing the overall cultural and linguistic competence in our schools. It would provide acceptance and validation for both students and their families of the assets that they bring through their culture and language. Qualified interpreters would also become professional role models in direct contact with students and parents, and within an environment where they see minimal representation of themselves and their community. Such positive influences would eventually have an impact in helping students see themselves as viable candidates for public education roles where they are so much needed.

Based upon the information and considerations above, and on behalf of MABE and the students and families we represent, we urge you to pass bill H 552 / S 303, which will undoubtedly have a significant impact in improving equity, true informed consent by Limited English Proficient (LEP) parents, meaningful parent engagement in our schools and educational outcomes for all our students.

Respectfully submitted,



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MABE, Board Member  
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