

Requirements for Interpreters in K-12: What is "Qualified?"

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Introduction & Background

Public Law 94-142 (Education of All Handicapped Children Act) was passed in 1975 and says "in order to receive federal funds states must develop and implement policies that assure a free appropriate public education (FAPE) to all children with disabilities" (<http://www.scn.org/~bk269/94-142.html>). To that end, schools hire interpreters to facilitate communication in the classroom. The law defines a qualified interpreter, in accordance with the Americans with Disabilities Act, as someone "...who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary" (<http://clerccenter2.gallaudet.edu/KidsWorldDeafNet/e-docs/IDEA/section-4.html#exinterpretersev>). Qualified by whom and according to what standards is not mandated, resulting in inconsistency in the quality of interpreters as "states have the option of establishing their own standards" (Linehan 2000, p. 3). The results of a study of interpreters in Kansas, Missouri, and Nebraska, indicative of what is happening in schools across the United States, found, "a large majority of the respondents (63%) had no certification for sign language interpreting of any kind...and 56.1% reported that they were not evaluated for their interpreting skills before being hired for their position" (Jones, Clark, & Soltz, 1997, p. 263). Further, between November 1999 and March 2000, a survey of state education agencies (SEAs) conducted by Project FORUM, in conjunction with the National Association of State Directors of Special Education (NASDSE), found "22 of the 51 responding SEAs have minimum state requirements for educational interpreters" (Linehan 2000 p. 4). In making ethical decisions related to education, students should be placed as the top priority, thus ensuring the quality of services for deaf students as a top priority as well.

Discussion

While it is known interpreters are critical to the successful inclusion of deaf students in mainstreamed classrooms, almost half of SEAs have only minimal requirements for interpreters. This highlights a gap between what is said to be valued and what is really valued. Although there is a legal mandate to provide "qualified" interpreters for deaf students in the classroom, there is widespread inconsistency with respect to what is considered "qualified." For some, it is a degree from an Interpreter Training Program, for others it might be some sign language classes, still others might consider a person with no formal training but who has deaf family members to be qualified to interpret. Administrators usually have little, if any, knowledge about interpreting, yet are responsible for assessing skills and hiring interpreters, which sets the stage for an unethical situation. It is, however, the responsibility of decision-makers to ensure, as Josephson (2002) says, they "have adequate information to support an intelligent choice. You can't make good decisions if you don't know the facts" (p. 21). Still, requiring certification and consistent guidelines would help, as it attests to individuals' ability to perform the tasks required rather than relying on their own assessment of skill level and competency. To be ethical, administrators should hire outside agencies that employ certified staff interpreters to help with the hiring and evaluation of interpreters until such time as certification is required in their districts. Recognizing they do not have the knowledge base to make an informed choice, the ethical decision-maker seeks input from those who do.

The argument is often made that hiring uncertified interpreters is legal and, therefore, ethical. Administrators may take the utilitarian approach when faced with hiring a certified interpreter and paying a much higher salary or hiring an uncertified interpreter and paying around \$10.00 per hour; justifying any hiring helps more than it harms. Again, such situations show what is really being valued. Ethically, one should not discount individuals when making decisions and, as students should be the top priority, saving money should rank lower in importance than accessibility to communication, which is directly related to the success of students in the classroom.

Thus, the ethic of care offers another perspective and another way to respond to complex moral problems facing educational leaders in their daily work...This ethic asks that individuals consider the consequences of their decisions and actions. It asks them to consider questions such as: Who will benefit from what I decide? Who will be hurt by my actions? What are the long-term effects of a decision I make today? (Josephson, 2002, p. 17).

Hiring certified interpreters may, at first, come with a higher price tag, but the price of an interpreter who is not qualified and does not effectively serve students is potentially much higher. The question really is, does the fact that it is *legal* make the decision a *good* one. Josephson (2002) notes "Good decisions are both ethical and effective...A decision is effective if it accomplishes something we want to happen...A choice that produces unintended and undesirable results is ineffective" (p. 16). With that in mind, let us look at the role of the interpreter and the efficacy of the decision to hire uncertified interpreters to explore if the decision is ethical or not.

The role of the interpreter in the classroom is to facilitate communication and, quoting from the 1988 report to Congress by the Commission on Education of the Deaf, Schick & Williams (2001) clarify the law mandates "Deaf students be integrated into regular classroom settings to the maximum extent possible, but if quality interpreting services are not provided, that goal becomes a mockery" (p. 12). If deaf students raise their hand in class, and the interpreter repeatedly misunderstands what they are signing or the interpreter is unable to keep up with what the teacher is saying during lectures, then communication is not effectively and accurately facilitated. This violates the definition of "qualified" as stated in PL 94-142 so it is illegal as well as unethical. Interpreters also serve as models for language use for deaf students and must sign *conceptually* versus *literally*. For example, in English the word *ruler* can mean someone who is sovereign or, the same word, can mean the device used for measuring things. When a teacher reads a story to the class about a ruler of a kingdom, however, and the interpreter chooses the literal sign for a measuring instrument versus signing conceptually what ruler means in context, young students easily become confused. Jones, Clark & Soltz (1997) note "it is unconscionable to place any student with a teacher who is not qualified (i.e. certified)" (p.264-265) and cite Sanderson (1991) who reminds us "ninety percent of deaf children born to hearing parents will not be fluent during the critical years of language acquisition, so only the best interpreters should be working with them" (264-265). It is clear, when hiring educational interpreters, administrators must move beyond merely abiding by the legal minimum to ensure quality services for deaf students.

Conclusion

While it may be easier to simply fall back on the idea that they are still following the rules when hiring interpreters who aren't certified, the ethic of care asks decision-makers to take into account long-term effects of decisions versus short-term gains, such as saving money. It looks at the potential harm, and benefits, to all parties involved, not just whether or not something is legal. Legally, interpreters must be "qualified," but as there is no consistency with respect to this term, it carries little weight. Rosen (1992) as cited in Jones, Clark, & Soltz, (1997), notes that certification "is expected of all professionals including teachers, speech therapists and administrators and thus the standards should be no different for interpreters who function as a vital life-link for deaf students" (p.265-266). Certification attests to an individual's skill level and, if adopted nationwide, would help ensure the quality of interpreting services for deaf students in all districts, not just those who choose it as their definition of "qualified."

References

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