

[Proposed] Qualified Interpreter – General Rules (3/14/2014)

*Guidance for Public Comment: Educational Interpreters in Michigan

Rule	Definition	Support	Support W/ modification	Do not Support	Comment
R 393.5024 (2)(a)	Standard level 2 qualifications required for interpreters at an IEP (individualized education program) meeting involving D/DB/HH parent, staff member, or D/DB/HH professional.			X	This requirement will potentially limit districts that employ interpreters qualified to only work in the educational environment (EIPA certified). A qualified interpreter for the educational setting is able to provide adequate communication about the educational setting and IEP document and process.
R 393.5026 (1)(a)	An EIPA performance score of 4.0, elementary endorsement, and passage of a written assessment.		X		If a written assessment is required, the division must offer the test. Passage of a written assessment should be required after August 31, 2016. See comment for R 393.5026 (8)
R 393.5026 (1)(b)	An EIPA performance score of 4.0, secondary endorsement, and passage of a written assessment		X		If a written assessment is required, the division must offer the test. Passage of a written assessment should be required after August 31, 2016. See comment for R 393.5026 (8)
R 393.5026 (2)	An interpreter working in an elementary school environment (pre-kindergarten to 6th grade) shall be required to meet certification in subrule (1)(a)(c) or (d) of this rule, except as provided in subrule (8) of this rule, as appropriate.		X		There needs to be some flexibility in allowing elementary or secondary certification in either setting.
R 393.5026 (3)	An interpreter working in secondary school environment grades 7 to age 26 shall possess an EIPA 4.0, or standard level 2 or 3 as described in Rules 393.5024 and 393.5025.		X		There needs to be some flexibility in allowing elementary or secondary certification in either setting. Subrule (8) was included in R 393.5026 (2) and should be included here for R393.5026 (3) .
R 393.5026 (4)(j)	As described in R 393.5051, an educational interpreter shall team with a standard level 2 or standard level 3 interpreter for medical, mental health, or legal situations including situations involving child protective services.		X		School districts should only be responsible for providing the team interpreter certified for the educational setting.

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R 393.5026 (5)	Upon absence of a regularly assigned educational interpreter, a long-term substitute interpreter shall be used in an elementary environment when an absence is expected to last 30 business days or more. The long term-substitute shall possess an EIPA 4.0, Michigan BEI II, or minimum standard level 2 or 3. A short-term substitute interpreter shall be used if the absence is expected to last for 29 business days or less. A short-term substitute shall possess a Michigan BEI I, EIPA 3.5, or minimum standard level 2 or 3 in an elementary setting.		X		Language should be modified to read: Upon absence of a regularly assigned educational interpreter, a long-term substitute interpreter shall be used in an elementary and secondary environment when an absence extends beyond 20 school days. The long term-substitute shall possess an EIPA 3.5, Michigan BEI II, or minimum standard level 2 or 3. A short-term substitute interpreter shall be used if an absence is 20 school days or less. A short-term substitute shall possess a Michigan BEI I, EIPA 3.0, or minimum standard level 2 or 3 in an elementary and/or secondary setting.
R 393.5026 (8)	Following the effective date of these rules and until August 31, 2016, in both elementary and secondary settings, interpreters must possess an EIPA certification indicating a performance score of not less than 3.5 or standard level 2, standard level 3, or a Michigan BEI I.		X		A provision should be included that allows for any educational interpreter to be hired with an EIPA score of 3.5 or higher on a temporary certificate with the provision that he/she have three years from the date of their test to meet the 4.0 standard. A temporary certificate would allow interpreters to work for three years as they continue to improve their skills.
R 393.5026 (9)	An EIPA certified interpreter holding an EIPA certificate of 4.0 or above shall not be required to retest, unless the certification is expired or lapsed 90 days or more beyond the expiration date of the credential card, as required under R 393.5092.	X			
R 393.5027 (3)	Following the implementation of 4.0 as the educational standard, the director may grant an exception to the standard at the request of the school district when all the following factors exist:		X		The decision to determine if an exception is granted shall be made by a committee comprised of MDE staff and not a stand-alone individual from a single organization.

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R 393.5027 (3)(a)	An educational program has exhausted all efforts to locate an interpreter possessing the required standard inclusive of offering competitive compensation and division assistance.			X	Compensation is solely the responsibility of the school district to determine. An outside agency cannot have the authority to determine what is “competitive”. “Division assistance” is not defined in R 393.5001 . This wording should not be included without clarification.
R 393.5027 (3)(b)	The rule from which the exception is granted would otherwise result in a D/DB/HH child being without communication access for his or her education.	X			
R 393.5027 (3)(c)	Other educational options such as enrollment in a Michigan School for the Deaf, participation in a regional deaf education program, or enrollment in a remote educational program have been discussed, explored, and where appropriate, offered to the parent(s) of the D/DB/HH child by the IEP team.			X	IEP Team placement decisions are not to be driven by staffing qualifications. Making these determinations based on staff qualifications limits students’ access to the Least Restrictive Environment (LRE) which is not allowable by law.
R 393.5027 (3)(d)	The school district obtains the informed consent of the parent(s) of the D/DB/HH child to use an interpreter that does not meet the standard but possesses a minimum 3.5 EIPA score, BEI, or national certification.			X	Parental approval should not be required if the interpreter possesses a minimum 3.5 EIPA score, BEI, or national certification.
R 393.5027 (3)(e)	The requirements of subdivisions (a) to (d) of this subrule shall be reviewed annually by the division and if granted, an exception is only effective through the end of the applicable school year.		X		The review of an exception shall be made by a committee comprised of MDE staff and not a stand-alone individual from a single organization.

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R 393.5051 (3)	An interpreter working within a school shall provide the school with a copy of his or her current credential card at least annually and shall ensure a copy of the credential card is maintained on file at the school and available for public review upon request.	X			
R 393.5051 (10)	Medical, mental health, police, or legal situations, including situations involving child protective services which occur in school, shall include an educational interpreter holding a current EIPA credential who shall team with an interpreter holding the appropriate medical or legal endorsement and is credentialed at a standard level 2 or 3.		X		School districts should only be responsible for providing the team interpreter certified for the educational setting. (See R 393.5026 (j))
R 393.5054 (3)	A qualified interpreter shall obtain the consent of the D/DB/HH person and appointing authority before allowing the student to participate and before introducing the student to the D/DB/HH person. In the case of a minor, permission must be obtained from the minor’s parents or legal guardian.			X	Similarly, schools settings do not require supervising teachers to obtain consent for intern teachers.
R 393.5055 (12)(a)	A qualified interpreter shall not interpret for a proceeding using VRI for any D/HH child in an elementary setting age 3 to grade 5. VRI may be used for children 6th grade or above.		X		Change “age 3” to “birth”. Some students enter programs before age 3.
R 393.5055 (12)(b)	The parents or legal guardians, IEP, or 504 team and the D/HH student shall equally participate in the final determination of whether effective communication is achieved for a student using VRI services during parent meetings and for any child in a secondary educational setting.			X	The description of this proposed rule is already addressed in other rules/regulations, and does not have a place in rules related to interpreter qualifications. If parents do not agree with the determination of an IEP/504 decision, their rights are outlined and supported through procedural safeguards.