



Educational Interpreters and FAPE White Paper

Since the implementation of Public Law 94–142, Deaf children have predominantly transitioned to receiving their education along with nondisabled students in public schools. The Individuals with Disabilities Education Improvement Act (IDEA), requires the provision of a Free Appropriate Public Education (FAPE) and is based on the unique needs of the child in a Least Restrictive Environment (LRE).

In 2016, the Supreme Court modified their definition of an education program to ensure it is “reasonably calculated to enable the child to receive educational benefits” (*Endrew F. v. Douglas County School District*, 2017, p. 1). Since the 2004 reauthorization, Educational Interpreters are considered Related Service Providers (§300.34(c)(4)).

Educational Interpreters and FAPE

IDEA regulations, at 34 CFR §300.156 specify the State Education Agency (SEA) is responsible for establishing qualifications to ensure that personnel necessary to make FAPE available are qualified.

In 2023, the Supreme Court ruled the Sturgis Public School District in Michigan, failed to provide a FAPE because they used “unqualified interpreters and misrepresented the[ir] child’s academic progress” (p.1). Michigan requirements for Educational Interpreters is an earned EIPA 4.0 score, pass the EIPA Written Assessment, and possess an elementary or secondary endorsement (Michigan Department of Civil Rights, 2014). This meant the school system was sued because they did not provide a qualified educational interpreter, misrepresented a student’s educational progress and failed to provide a FAPE.

Effective August 2025, the South Carolina Department of Education regulation has implemented minimum qualifications and requirements for Educational Interpreters (R. 43-243.2). Not adhering to those requirements means a school system is failing to provide a FAPE for a Deaf student.

In fact, Cates and Delkamiller (2021) found Deaf students using educational interpreters with an EIPA 3.0 *could not exhibit any learning*. Without the ability to interpret well enough for a Deaf student to learn means the Deaf student is not receiving a Free Appropriate Public Education (FAPE).

Educational Interpreters are Not Paraprofessional Signing Assistants

Changing the job title of an unqualified Educational Interpreter is also not permitted. “Regardless of job title, this regulation applies to any individual providing such services” (R. 43-243.2).

In addition, paraprofessionals are not listed as Related Service Personnel.

“Although professional interpreters, like paraprofessionals, do have supporting roles in the educational setting, use of the term “paraprofessional,” “aide,” and “tutor” should be avoided in position titles of educational interpreters (South Carolina Department of Education, 2007, p. 5).

Since, “any setting, including a regular classroom, that prevents a child who is deaf from receiving an appropriate education that meets his or her needs including communication needs is not the LRE for that individual child.” United States Department of Education Office for Civil Rights,1992).

In sum, using Educational Interpreters who have not met the South Carolina regulatory requirements are not allowed to be employed by a School District. These individuals are not able to provide a FAPE for Deaf students. Similarly, “regardless of job title, this regulation applies to any individual providing such services” South Carolina Department of Education 2025 p. 1). As such re-classifying employees as paraprofessionals who also provide interpreting services is prohibited. These individuals are not able to provide a FAPE for Deaf students.

References

- Cates, D. & Delkammer, J. (2021). The impact of sign language interpreter skill on education outcomes in K-12 settings. In E. Winston & S. B. Fitzmaurice (Eds.), *Advances in Educational Interpreting*. Washington, DC: Gallaudet University Press.
- Endrew F. v. Douglas County School District, Volume 580 U.S. ____ 2017.
- Individuals with Disabilities Education Improvement Act of 2004 § 108-446 U.S.C. Sec. 300.34(c)(4)
- Perez, L. v. Sturgis Public Schools, 598 U. S. ____ (2023).
- Michigan Department of Civil Rights (2014). *Qualified interpreter – General rules*. R 393.5026.
- S.C. Code Ann. §43-243.2 -(2025). *Educational Interpreters for Students who are Deaf*
- South Carolina Department of Education. (2007). *South Carolina Educational Interpreter Guidelines*. Department of Education: Columbia, South Carolina.
- United States Department of Education Office for Civil Rights. (1992). *Deaf students’ education services*. <https://www2.ed.gov/about/offices/list/ocr/docs/hq9806.html>