

Student Confidentiality:

Guidance for Educational Interpreters

This document has been developed to clarify for local educational agencies (LEAs) the important liability issues that may be present when providing sign language interpreters in settings that involve the sharing of confidential information by a student who is deaf or hard of hearing (e.g., when interacting with outside agencies, crisis response and management, in-school therapy and counseling).

During these situations, it is not appropriate for the student's regularly assigned educational interpreter to do the interpreting. The Code of Professional Conduct (CPC) guidelines provided by the profession's national organization, the Registry of Interpreters for the Deaf (RID), direct interpreters to avoid situations that result in real or perceived conflicts of interest (RID CPC, Tenet 3.0). In addition, the Pennsylvania Sign Language Interpreter and Transliterators Act 57 of 2004 mandates that interpreters providing services for these types of situations be registered with the Pennsylvania Office of the Deaf and Hard of Hearing under the Department of Labor and Industry.

In order for LEAs to provide students with appropriate communication access during these interactions, the LEAs should proactively:

- Inform local law enforcement agencies of the need to use independent, state-registered interpreters
- Develop a list of local interpreter agencies, or use the PA Office for the Deaf and Hard of Hearing website (<https://www.dli.pa.gov/Individuals/Disability-Services/odhh/Pages/default.aspx>) to locate a PA-registered interpreter

If an attempt is made to secure a state-registered interpreter and none is available, the LEA should:

- When possible, reschedule meetings or interviews, especially when the interaction may result in legal implications
- Document when the student's regular educational interpreter is the only option, including what steps were taken to obtain a state registered interpreter
- Respect the right of the interpreter to decline to interpret the interaction



The student has a right to:

- Access to effective communication
- Confidentiality
- Privacy
- A registered interpreter (qualified, competent, effective)
- Request or accept an assigned interpreter

The educational interpreter should:

- Avoid performing dual/conflicting roles or perceived/actual conflicts of interest
- Be able to explain why a registered interpreter is best practice for these types of interactions, referring to Act 57 and RID CPC, as necessary
- Provide the LEA with a list of interpreter agencies and the Pennsylvania Office of the Deaf and Hard of Hearing website, working with them to identify a registered interpreter
- Ask for the meeting/interview to be rescheduled if no other interpreter is available
 - If the meeting is rescheduled:
 - Follow up to be sure an interpreter has been secured or to find out whether further assistance is needed
 - Contact their supervisor and document what occurred

If there is an immediate medical or personal safety concern, (i.e., **if the meeting is time sensitive and cannot be rescheduled**), the educational interpreter should:

- Ask the school to contact an interpreter or agency to secure a registered interpreter. If confirmed, wait until the interpreter arrives, but do not engage in interpreting
- If absolutely no one is available and it is a safety issue, interpret the meeting with the understanding that any further events stemming from the initial visit require a registered interpreter and should be arranged in advance
- Follow up with school to provide agency/interpreter information to everyone involved
- Contact their supervisor and document what occurred

The interpreter should not:

- Be subject to disciplinary action as a result of the decision to follow ethical practices
- Accept an assignment for which he/she is not qualified (search the RID CPC statements at <https://rid.org/ethics/code-of-professional-conduct>)
- Be used in situations that could reasonably lead to legal or medical liability for the LEA