

How to Document the Vacancy of a Sign Language Interpreter

The Individuals with Disabilities Education Act (IDEA) requires a local educational agency (LEA) to fully implement a child's individual educational plan (IEP). When a vacancy occurs for an exceptional student education related service provider, such as a sign language interpreter, documenting the LEA's efforts and response supports transparency and accountability. Maintaining thorough documentation ensures that the LEA has the information needed to respond appropriately should questions, concerns, complaints, due process proceedings, or formal reviews arise.

Topic to address	Guidance
Reasons for Not Having a Sign Language Interpreter	Explain the cause of the LEA's lack of a sign language interpreter to provide communication access and support implementation of the student's IEP, Section 504 Plan, or other educational services, including when the shortage began. Possible factors include: • Regional shortage of qualified sign language interpreters • Retirement or resignation of the previous sign language interpreter • The sign language interpreter accepting a position in another LEA or agency • Difficulty recruiting sign language interpreters • Increased student enrollment requiring additional personnel Document the date the vacancy began and any staffing changes that contributed to the shortage.
Efforts to Obtain a Sign Language Interpreter	Describe all efforts to secure a sign language interpreter, including: • Job postings and recruitment websites used • Dates positions were advertised • Participation in recruitment fairs • Contact with interpreter training programs and colleges/universities • Contact with agencies that provide contracted sign language interpreting services • Collaboration with neighboring LEAs Documentation should demonstrate ongoing and continuous recruitment efforts until student communication access needs are met.
Plan for Addressing Student Needs	The LEA should provide written notification to parents regarding the sign language interpreter vacancy and explain how student needs will continue to be addressed during the shortage. The plan may include: • Coverage by another sign language interpreter • Use of remote/video interpreting services when appropriate • Consultation with professionals who have specialized deaf/hard of hearing (DHH) credentials • Access to captioning and other communication supports, if appropriate • Maintenance of assistive technology and hearing assistive technology systems • Monitoring of academic and language progress • Case management oversight • Provision of compensatory services, when appropriate



Amount of Services Missed	For each affected student, document: • Dates interpreter services were unavailable • Number of instructional periods affected • Classes, activities, and services impacted • Duration of missed communication access • Total cumulative minutes of impacted instructional time Important Reminder: Adjustments to services and supports in a student's IEP should not be made because of staffing shortages. All service times, goals, accommodations, and supports must be based on the student's individualized educational needs and supporting data.
Compensatory Services: Determination and Calculation Considerations	Compensatory services are individualized services provided to make up for educational benefit lost due to missed or interrupted IEP services. The purpose is not simply to replace every missed minute, but to address any educational harm resulting from the missed services. When determining compensatory services, consider: • Total instructional time affected by the vacancy • Academic performance data • Language and communication development • Progress toward IEP goals • Availability and effectiveness of temporary supports • Teacher, parent, and student input
Use of Virtual Service Delivery	When virtual services are utilized, the IEP team should consider whether the student can continue to receive a Free Appropriate Public Education (FAPE). Factors to review may include: • Student age and independence • Primary communication mode • Access to appropriate technology and reliable internet bandwidth • Quality and reliability of virtual interpreting services • Ability to engage effectively through virtual platforms • Need for direct in-person communication support • Progress monitoring data Some situations may be appropriately supported through virtual interpreting services, while others may require direct in-person interpreter support.
Compliance Considerations	Because sign language interpreters often provide the student's primary access to classroom instruction, sign language interpreter vacancies may affect compliance with IDEA, Section 504, and the Americans with Disabilities Act (ADA). LEAs should document recruitment efforts, temporary communication access supports, student impact, and compensatory service determinations to demonstrate efforts to provide FAPE and effective communication. In <i>Perez v. Sturgis Public Schools</i> (2023), the U.S. Supreme Court recognized that a student who is DHH could pursue claims under the ADA related to allegations involving unqualified interpreters and lack of meaningful access to education. The case highlights the importance of ensuring effective communication and maintaining documentation when communication access is disrupted.

