

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2021 Agenda Item #W-04

## Subject

Requests by **Shasta County Office of Education** for renewalsto waive *California Code of Regulations*, Title 5, Section 3051.16(c), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Alexis Osborn, Kyle Espinoza, and Curtis Horner to continue to provide services to students until June 30, 2022, under a remediation plan to complete those minimum requirements.

## Waiver Number

* Shasta County Office of Education 4-1-2021
* Shasta County Office of Education 5-1-2021
* Shasta County Office of Education 6-1-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Alexis Osborn, Kyle Espinoza, and Curtis Horner qualify for an educational interpreter waiver to provide educational interpreting services until June 30, 2022.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education (CDE) recommends that the SBE approve the waiver requests by the Shasta County Office of Education (SCOE) with the following conditions:

* Weekly one-on-one mentoring sessions
* Personalized lesson plans for weekly professional development
* Maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities
* Monthly group professional development meetings
* Horner, Espinoza, and Osborn re-take the Educational Interpreter Performance Assessment (EIPA) exam as soon as possible, when the Assessment Centers reopen. Currently, Assessment Centers are closed due to COVID-19. Candidates will apply to take the EIPA assessment at the Testing Center within their geographic location.
* When scores become available, the SCOE must provide CDE with new EIPA assessment scores.

## Summary of Key Issues

The Individual with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are Deaf or Hard of Hearing meet state-approved or state-recognized certification, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations*, Section 3051.16(c) requires the following:

An educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter and Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

### SCOE, Alexis Osborn

This is a renewal waiver for Osborn who received an EIPA Pre-Hire Assessment Score of “OK to Hire/Hire With Caution” and is scheduled to take the full EIPA exam. Osborn completed her internship with SCOE while attending Western Oregon University’s Interpreter Training Program and is planning to continue with SCOE provided her passing the EIPA.

Due to the pandemic, Testing Centers have been closed. Currently educational agencies and schools are reopening slowly, with each County Office following California Department of Public Health (CDPH) health and safety guidelines. Candidates for the EIPA Assessment will apply for appointments to test at the Testing Centers within their geographic location.

### SCOE, Kyle Espinoza

This is a renewal waiver for Espinoza, who previously took the EIPA exam on May 9, 2018 and received a score of 3.4. A waiver was applied for and granted by the SBE at the July 2019 meeting. Espinoza retested on July 12, 2019 and received a score of 3.6. A second waiver was applied for and granted by the SBE at the September 2020 meeting. On November 6, 2020, Espinoza was able to retake the EIPA exam but due to test center closures his score was not available at the time of this writing. SCOE indicates that Espinoza has a high level of dedication to his work and will continue to strive to meet the CDE’s requirements as soon as possible.

Due to the pandemic, Testing Centers have been closed. Currently educational agencies and schools are reopening slowly, with each County Office following CDPH health and safety guidelines. Candidates for the EIPA Assessment will apply for appointments to test at the Testing Centers within their geographic location.

### **SCOE, Curtis Horner**

This is a renewal waiver for Horner who was assessed by the Boys Town National Research Hospital and received an EIPA Pre-Hire Assessment Score of “OK to Hire/Hire With Caution” and is scheduled to take the full EIPA soon. The SBE previously approved a waiver for Horner at the September 2020 SBE meeting.

Due to the pandemic, Testing Centers have been closed. Currently educational agencies and schools are reopening slowly, with each County Office following CDPH health and safety guidelines. Candidates for the EIPA Assessment will apply for appointments to test at the Testing Centers within their geographic location.

**Demographic Information:**

The Shasta County Office of Education, located in Shasta County, CA, serves a population of 26977.

**Because this is a general waiver, if the State Board of Education decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

In 2002, the SBE approved regulations that required educational interpreters to be certified by the RID, or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the RID, or equivalent, or to have achieved a score of 4.0 or better on specified assessments.

In November 2009, the SBE approved a policy regarding educational interpreter waiver requests. That policy is on the CDE Web site at <https://www.cde.ca.gov/re/lr/wr/documents/interpreter.docx>.

Since 2007, the SBE has granted the SCOE 48 previous waivers for Deaf and Hard of Hearing Interpreters and three have been denied. These waivers did identify the same staff previously. The SCOE makes successful attainment of a passing score of 4.0 on the EIPA a condition of continued employment in the position of interpreter.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Shasta County Office of Education General Waiver Request 4-1-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Shasta County Office of Education General Waiver Request 5-1-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Shasta County Office of Education General Waiver Request 6-1-2021 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

CCR, Title 5 Section 3051.16(c)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 4-1-2021 | Shasta County Office of Education | **Requested:**  7/1/2021- 6/30/2022  **Recommended:**  7/5/2021- 6/30/2022 | CA School Employees Association Chapter 642  11/16/2020  **Support** | Local Board and Public Hearing Date: 1/13/2021  Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight” |
| 5-1-2021 | Shasta County Office of Education | **Requested:**  7/1/2021- 6/30/2022  **Recommended:**  7/5/2021-  6/30/2022 | CA School Employees Association Chapter 642  11/16/2020  **Support** | Local Board and Public Hearing Date: 1/13/2021  Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight” |
| 6-1-2021 | Shasta County Office of Education | **Requested:**  7/1/2021-  6/30/2022  **Recommended:**  7/5/2021-  6/30/2022 | CA School Employees Association Chapter 642  11/16/2020  **Support** | Local Board and Public Hearing Date: 1/13/2021  Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight” |

Created by California Department of Education, March 2021

# Attachment 2: Shasta County Office of Education General Waiver Request 4-1-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 4-1-2021

Active Year: 2021

Date In: 1/15/2021 3:10:33 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: Y

Previous Waiver Number: 5-5-2020

Previous SBE Approval Date: 9/23/2020

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: *EC* 3051.16. Specialized Services for Low-Incidence Disabilities.

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: On behalf of Alexis Osborn, the SCOE is requesting a waiver to allow her to interpret in the K-12 classroom during the 2021/2022 school year. This will benefit Shasta County's DHH program by helping to provide another deaf and hard of hearing student access to the academic and social content of the classroom. Ms. Osborn demonstrates a high level of dedication to professional development with her attention to the responsibilities of the work. She is striving to meet the CDE's requirements as soon as possible. This will provide a very important benefit: it will impact the Shasta County deaf and hard of hearing students by enhancing the interpreting coverage in their mainstream classes. It will give our educational interpreters more opportunities to interpret together in teams which will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 26977

City Type: Rural

Public Hearing Date: 1/13/2021

Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 1/13/2021

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 12/16/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Stephanie Constantinou

Position: Lead Educational Interpreter

E-mail: [stephanie.a.constantinou@gmail.com](file:///C:\Users\jamick\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\YO1BG14R\stephanie.a.constantinou@gmail.com)

Telephone: 916-365-1404

Fax:

Bargaining Unit Date: 11/16/2020

Name: California School Employees' Association, Chpt 642

Representative: Debbie Stewart

Title: Chapter President

Phone: 530-225-0340

Position: Support

Comments:

# Attachment 3: Shasta County Office of Education General Waiver Request 5-1-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 5-1-2021

Active Year: 2021

Date In: 1/15/2021 3:19:26 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96007

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: Y

Previous Waiver Number: 7-5-2020-W-07

Previous SBE Approval Date: 9/23/2020

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: *EC* 3051.16. Specialized Services for Low-Incidence Disabilities.

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: On behalf of Kyle Espinoza, the SCOE is requesting a waiver to allow him to interpret in the K-12 classroom during the 2021/2022 school year. This will benefit Shasta County's DHH program by helping to provide another deaf and hard of hearing student access to the academic and social content of the classroom. Mr. Espinoza demonstrates a high level of dedication to professional development with her attention to the responsibilities of the work. He is striving to meet the CDE's requirements as soon as possible. This will provide a very important benefit: it will impact the Shasta County deaf and hard of hearing students by enhancing the interpreting coverage in their mainstream classes. It will give our educational interpreters more opportunities to interpret together in teams which will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 26977

City Type: Rural

Public Hearing Date: 1/13/2021

Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 1/13/2021

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 12/16/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Stephanie Constantinou

Position: Lead Educational Interpreter

E-mail: [stephanie.a.constantinou@gmail.com](file:///C:\Users\jamick\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\YO1BG14R\stephanie.a.constantinou@gmail.com)

Telephone: 916-365-1404

Fax:

Bargaining Unit Date: 11/16/2020

Name: California School Employees' Association, Chpt 642

Representative: Debbie Stewart

Title: Chapter President

Phone: 530-225-0340

Position: Support

Comments:

# Attachment 4: Shasta County Office of Education General Waiver Request 6-1-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 6-1-2021

Active Year: 2021

Date In: 1/15/2021 3:26:02 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: Y

Previous Waiver Number: 6-5-2020-W-07

Previous SBE Approval Date: 9/23/2020

Waiver Topic: Special Education Program

Ed Code Title: Educational Interpreter for Deaf and Hard of Hearing

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

*Education Code* or *CCR* to Waive: *EC* 3051.16. Specialized Services for Low-Incidence Disabilities.

(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.

[(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment. If providing Cued Language transliteration, a transliterator shall possess T*EC*Unit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.]

Outcome Rationale: On behalf of Curtis Horner, the SCOE is requesting a waiver to allow him to interpret in the K-12 classroom during the 2021/2022 school year. This will benefit Shasta County's DHH program by helping to provide another deaf and hard of hearing student access to the academic and social content of the classroom. Mr. Horner demonstrates a high level of dedication to professional development with his attention to the responsibilities of the work. He is striving to meet the CDE's requirements as soon as possible. This will provide a very important benefit: it will impact the Shasta County deaf and hard of hearing students by enhancing the interpreting coverage in their mainstream classes. It will give our educational interpreters more opportunities to interpret together in teams which will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 26977

City Type: Rural

Public Hearing Date: 1/13/2021

Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 1/13/2021

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 12/16/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Stephanie Constantinou

Position: Lead Educational Interpreter

E-mail: [stephanie.a.constantinou@gmail.com](file:///C:\Users\jamick\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\YO1BG14R\stephanie.a.constantinou@gmail.com)

Telephone: 916-365-1404

Fax:

Bargaining Unit Date: 11/16/2020

Name: California School Employees' Association, Chpt 642

Representative: Debbie Stewart

Title: Chapter President

Phone: 530-225-0340

Position: Support

Comments: