

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2022 Agenda Item #W-07

## Subject

Request by **Santa Barbara County Office of Education** to 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 Jordan Hart to continue to provide services to students until November 1, 2022, under a remediation plan to complete those minimum requirements.

## Waiver Number

* Santa Barbara County Office of Education 4-10-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Jordan Hart qualifies for an educational interpreter waiver to provide educational interpreting services until November 1, 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 request by the Santa Barbara County Office of Education (SBCOE) with the following conditions:

* + Ms. Hart will meet weekly with a fully certified interpreter. The mentor will observe and support Ms. Hart in her interpreting. The mentor is available for phone calls and in-person meetings.
  + Ms. Hart will observe fully-certified interpreters at all grade levels.
  + Ms. Hart will take personal video for self-evaluation and meet with a mentor to review video and receive feedback.
  + Ms. Hart will review blogs and videos related to American Sign Language (ASL) grammar and syntax.
  + Ms. Hart will hold regular calls with a mentor through video phone to practice active communication.
  + When scores become available, the SBCOE must provide CDE with EIPA assessment scores for Ms. Hart.

## Summary of Key Issues

The Individuals 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.

### Santa Barbara County Office of Education, Jordan Hart

Jordan Hart is studying for a Bachelor’s degree majoring in linguistics at Georgetown University. She is also taking online coursework to develop as an ASL interpreter through Georgetown and TerpAcademy. She has not yet taken the Educational Interpreter Performance Assessment (EIPA), but was assessed in an EIPA Prescreening and deemed "OK to hire" in all assessment categories.

She currently works as an Educational Interpreter for students with significant learning disabilities in a high school setting. The students sign and understand ASL at an intermediate level. These students require sign language at a slower pace and in simplified terms. Ms. Hart’s work is overseen by a Special Day Class teacher.

The SBCOE recently purchased a 10-video series produced by the EIPA Diagnostic Center for Educational Interpreting Practice at the elementary and secondary grade levels. Ms. Hart will review the series as practice for the EIPA.

**Demographic Information:**

The Santa Barbara County Office of Education, located in Santa Barbara County, serves a Special Education student population of five and operates a Deaf and Hard of Hearing Program.

**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>.

The SBE has granted the SBCOE nine previous waivers for Deaf and Hard of Hearing Interpreters. The SBCOE 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:** Santa Barbara County Office of Education General Waiver Request 4-10-2021 (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** |
| --- | --- | --- | --- | --- |
| 4-10-2021 | Santa Barbara County Office of Education | **Requested:**  11/1/2021- 11/1/2022  **Recommended:**  11/1/2021-11/1/2022 | CA School Employees Association Chapter 817  9/24/2021  **Support** | Local Board and Public Hearing Date: 9/23/2021  Public Hearing Advertised: Posted/distributed to work sites |

Created by California Department of Education

February 2022

# Attachment 2: Santa Barbara County Office of Education General Waiver Request 4-10-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4210421

Waiver Number: 4-10-2021

Active Year: 2021

Date In: 10/19/2021 1:59:09 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 11/1/2021

End: 11/1/2022

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

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: CA Code of Regulations, Title 5 (5*CCR*) Section 3051.16 Specialized Services for Low-Incidence Disabilities. (b) Certification requirements for educational interpreters for deaf and hard of hearing pupils. (3) By uly 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: Locating and hiring / retaining qualified ASL Interpreters is an ongoing challenge in our area. Keeping up with the needs as staffing and demographics change makes keeping up with interpreter needs extremely difficult. Using current staff with ASL skills and recruiting interpreters in-training becomes a necessity in these situations in order to maintain required student/interpreter ratio.

Student Population: 2

City Type: Urban

Public Hearing Date: 9/23/2021

Public Hearing Advertised: Posted and distributed to work sites.

Local Board Approval Date: 9/23/2021

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 9/23/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Samantha Mullins

Position: Coordinator, Special Education

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Bargaining Unit Date: 09/24/2021

Name: CA School Employees Association Chapter 817

Representative: Letitia Padilla

Title: President

Phone: (805) 922-0334

Position: Support

Comments: