

# California State Board of EducationPolicy # 09-02

Date: November 2009

## Waiver Guidelines:

State Board of Education (SBE) Waiver Policy for Educational Interpreters Not Meeting Regulatory Standards

## References:

To use the General Waiver Authority, Education Code (EC) Section 33050 etseq.
to waive Title 5, California Code of Regulations, Section 3051.16 (b)(3).

## Historical Notes:

None

**Regulatory Provisions:**

*California Code of Regulations*, Title 5 (5 *CCR*) Section 3051.16(b)(3), requires the following:

* By **July 1, 2009**, and thereafter, 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/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 (TEC Unit) certification, or have achieved a score of **4.0** or above on the EIPA - Cued Speech.

## Background

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, licensing, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. The purpose of establishing an implementation date of 2007 for the regulatory requirement was to provide local educational agencies and individual educational interpreters with five years in order to prepare for and meet the standard. In 2008, the SBE adopted revised regulations that allowed interpreters until July 1, 2008, to achieve a score of 3.0 on named assessments. As of July 1, 2009, regulations require them to achieve a score of 4.0on those same assessments. Since 2007, the SBE has heard and approved all waivers for interpreters who did not meet the regulatory criteria for working in California schools.However, now that the July 1, 2009, deadline has passed, the California Department of Education (CDE) staff feels that in most cases local educational agencies have had enough time to try to bring their interpreters up to standards, and that interpreters who have never taken an assessment of their skills, or who have very low scores, should not continue to work with our deaf and hard of hearing students.

**Waiver Criteria:**

**Basic Review Criteria for Educational Interpreter waivers:**

1. Local educational agencies (LEAs) must provide, for each educational interpreter, current assessment scores on the Education Sign Skills Evaluation-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). Current means that the assessment must have been administered within the past school year. If current assessment scores are unavailable, LEAs must provide results from the pre-hire screening offered by Boys Town National Research Hospital.
2. All other documents for each interpreter:
* Name, date and score of most recent interpreter assessment
* Name, dates and scores of previous assessments
* Date of hire
* Efforts made by the LEA on behalf of the employee, to achieve this certification since August 28, 2002
* Record of previous training/mentoring
* Remediation plan, including training/mentoring by RID certified interpreter signed by the interpreter and the union representative
1. Waivers not meeting the above criteria will be held (not forwarded to SBE) until the information is provided, making the waiver “complete and documented.”

**Consent Calendar Criteria:**

1. Each LEA (district or county office of education) must include a copy of district's current educational interpreter job description, which reflects the qualification standards of 5 CCR 3051.16, and show proof that they have recruitment and hiring policies that support these standards.
2. This must be the first year that an interpreter has requested a waiver, and the first year that the interpreter has been employed by that LEA. All repeat waivers will go on the SBE Action Calendar for discussion.

3. Each interpreter shall have achieved a composite score of 3.0 (intermediate) or above on the EIPA or the NAD/ACCI assessment, or a score of 3.0 (intermediate) or above on both the expressive and the receptive portions of the ESSE.

Level 3: Intermediate

Demonstrates knowledge of basic vocabulary, but will lack vocabulary for more technical, complex, or academic topics. Individual is able to sign in a fairly fluent manner using some consistent prosody, but pacing is still slow with infrequent pauses for vocabulary or complex structures. Sign production may show some errors but generally will not interfere with communication. Grammatical production may still be incorrect, especially for complex structures, but is in general intact for routine and simple language. Comprehends signed messages but may need repetition and assistance. Voiced translation often lacks depth and subtleties of the original message. An individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear.

An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.

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