

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-17

## Subject

Requests by **Shasta County Office of Education** to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Danika Estes, Tami Luce and Jessica Walker to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

## Waiver Numbers

* Shasta County Office of Education 35-3-2018
* Shasta County Office of Education 36-3-2018
* Shasta County Office of Education 37-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Danika Estes, Tami Luce and Jessica Walker qualify for an educational interpreter waiver to provide educational interpreting services until June 30, 2019.

## Authority for Waiver

California *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 Shasta County Office of Education (SCOE) with the conditions as follows:

The SCOE hired Danika Estes in December of 2017, with a pre-hire score of “Hire with caution/supervision/OK to Hire.” This interpreter has until June 30, 2019, to receive a certification at a level of 4.0, with the latest score from January 29, 2018, still pending. This can take up to six months, so SCOE is requesting the waiver until June 30, 2019.

To this end, the SCOE must provide Ms. Estes with regular access to a lead education interpreter who is Registry Interpreters for the Deaf (RID)-certified holding both National Interpreter Certification (NIC) and Ed:K-12 certifications. The lead education interpreter will offer regular support in the form of:

1. Mentor(s) that meets the certification of an Educational Sign Language Interpreter; the SCOE will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor(s) will call Ms. Estes through video phone, to practice active communication with voice, review testing comments and clarify needs, critique and support videos of her, as well as testing result comments, and observe and support her in her interpreting. The mentor(s) will communicate with Ms. Estes on a weekly basis, as needed.
2. Ms. Estes will observe other interpreters during class times, and video herself interpreting lessons for self-evaluation. She will review various blogs about American Sign Language (ASL) grammar and syntax, and view practice ASL videos to increase her reception abilities.
3. The SCOE will provide monthly updates to the CDE for the duration of the waiver.

The SCOE hired Tami Luce in December of 2017, with a pre-hire score of “Hire with caution/supervision/OK to Hire.” This interpreter has until June 30, 2019, to receive a certification at a level of 4.0, with the latest score from January 29, 2018, still pending. This can take up to six months, so SCOE is requesting the waiver until June 30, 2019.

To this end, the SCOE must provide Ms. Luce with regular access to a lead education interpreter who is RID-certified holding both NIC and Ed:K-12 certifications. The lead education interpreter will offer regular support in the form of:

1. Mentor(s) that meets the certification of an Educational Sign Language Interpreter and will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor(s) will call Ms. Luce through video phone, to practice active communication with voice, review testing comments and clarify needs, critique and support videos of her, as well as testing result comments, and observe and support her in her interpreting. The mentor(s) will communicate with Ms. Luce on a weekly basis, as needed.
2. Ms. Luce will observe other interpreters during class times, and video herself interpreting lessons for self-evaluation. She will review various blogs about ASL grammar and syntax, and view practice ASL videos to increase her reception abilities.
3. The SCOE will provide monthly updates to the CDE for the duration of the waiver.

The SCOE hired Jessica Walker in August of 2016 and this is the second waiver for her. Her previous scores of 3.2 in April 2015, 3.4 in April 2016, 3.4 in September 2016, and 3.9 in March 2017 show that she is improving. This interpreter has until June 30, 2019, to receive a certification at a level of 4.0, with the latest score from January 29, 2018, still pending. This can take up to six months, so SCOE is requesting the waiver until June 30, 2019.

To this end, the SCOE must provide Ms. Walker with regular access to a lead education interpreter who is RID-certified holding both NIC and Ed:K-12 certifications. The lead education interpreter will offer regular support in the form of:

1. Mentor(s) that meets the certification of an Educational Sign Language Interpreter; the SCOE will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor(s) will call Ms. Walker through video phone, to practice active communication with voice, review testing comments and clarify needs, critique and support videos of her, as well as testing result comments, and observe and support her in her interpreting. The mentor(s) will communicate with Ms. Walker on a weekly basis, as needed.
2. Ms. Walker will observe other interpreters during class times and video herself interpreting lessons for self-evaluation. She will review various blogs about ASL grammar and syntax, and view practice ASL videos to increase her reception abilities.
3. The SCOE will provide monthly updates to the CDE for the duration of the waiver.

## 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(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 (TECUnit) certification, or have achieved a score of 4.0 or above on the EIPA – Cued speech.

**Assessment Overview:**

According to the EIPA Rating System Web site at <https://www.classroominterpreting.org/eipa/performance/rating.asp>, Ms. Walker (recent EIPA score of 3.9), Ms. Estes (recent EIPA score of “Hire with caution/supervision/OK to Hire), and Ms. Luce (recent EIPA score of “Hire with caution/supervision/OK to Hire”) “require continued supervision and should be required to participate in continuing education in interpreting.” According to the EIPA Rating System, the current scores further indicate that these educational interpreters:

“Demonstrate knowledge of basic vocabulary, but will lack vocabulary for more technical, complex, or academic topics.” The individuals are “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.”

**Shasta County Office of Education**

The SCOE is requesting this waiver for Ms. Walker, Ms. Estes, and Ms. Luce because this will benefit Shasta County’s Deaf and Hard of Hearing program by helping to provide another deaf and hard of hearing student access to the academic and social content of the classroom. All three interpreters demonstrate a high level of dedication to professional development and with attention to the responsibilities of their work, they are striving to meet the CDE’s requirements as soon as possible. This waiver 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. Moreover, the waiver will allow these interpreters more opportunities to interpret together in teams and will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

**Demographic Information:** The Shasta County Office of Education has a student population of 248, and is located in the rural county of Shasta.

**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 [http://www.cde.ca.gov/re/lr/wr/documents/interpreter\_000.doc.](http://www.cde.ca.gov/re/lr/wr/documents/interpreter_000.doc)

## 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 35-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Shasta County Office of Education General Waiver Request 36-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Shasta County Office of Education General Waiver Request 37-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402

| **Waiver Number** | **District** | **Period of Request** | **District’s Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- | --- |
| 35-3-2018 | Shasta County Office of Education(SCOE) | **Requested:**  December 19, 2017 to June 30, 2018  **Recommended:** December 19, 2017 to June 30, 2019 | A waiver for Danika Estes | California School Employees Association  Chapter #642  Debbie Stewart  Chapter President  2/15/2018  **Support** | A Public hearing was advertised in the local newspaper,  “The Record Searchlight.” Local Board  3/14/2018  **Support** |
| 36-3-2018 | Shasta County Office of Education(SCOE) | **Requested:**  December 4, 2017 to June 30, 2018  **Recommended:**  December 4, 2017 to  June 30, 2019 | A waiver for  Tami Luce | California School Employees Association  Chapter #642  Debbie Stewart  Chapter President  2/15/2018  **Support** | A Public hearing was advertised in the local newspaper, “The Record Searchlight.”  Local Board  3/14/2018  **Support** |
| 37-3-2018 | Shasta County Office of Education(SCOE) | **Requested:**  July 1, 2018 to  June 30, 2019  **Recommended:**  July 1, 2018 to  June 30, 2019 | A waiver for Jessica Walker | California School Employees Association  Chapter #642  Debbie Stewart  Chapter President  2/15/2018  **Support** | A Public hearing was advertised in the local newspaper, “The Record Searchlight.”  Local Board  3/14/2018  **Support** |

Created by California Department of Education  
May 2018

# Attachment 2: Shasta County Office of Education General Waiver Request 35-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 35-3-2018

Active Year: 2018

Date In: 3/27/2018 1:26:30 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 12/19/2017

End: 6/30/2018

Waiver Renewal: No

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 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 Danika Estes, the SCOE is requesting a waiver to allow her to interpret in the K-12 classroom during the 2017-18 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.

Danika demonstrates a high level of dedication to professional development and with her attention to the responsibilities of her 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 and will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 248

City Type: Rural

Public Hearing Date: 3/14/2018

Public Hearing Advertised: The local newspaper, "The Record Searchlight"

Local Board Approval Date: 3/14/2018

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/21/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Yvette Marley

Position: Lead Educational Interpreter

E-mail: [ymarley@shastacoe.org](mailto:ymarley@shastacoe.org)

Telephone: 530-225-2965

Fax: 530-225-0105

Bargaining Unit Date: 02/15/2018

Name: California School Employees' Association Chapt 642

Representative: Debbie Stewart

Title: Chapter President

Position: Support

# Attachment 3: Shasta County Office of Education General Waiver Request 36-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 36-3-2018

Active Year: 2018

Date In: 3/27/2018 1:40:36 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 12/4/2017

End: 6/30/2018

Waiver Renewal: No

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 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 Tami Luce, the SCOE is requesting a waiver to allow her to interpret in the K-12 classroom during the 2017-18 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.

Tami demonstrates a high level of dedication to professional development and with her attention to the responsibilities of her 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 and will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 248

City Type: Rural

Public Hearing Date: 3/14/2018

Public Hearing Advertised: The local newspaper, "The Record Searchlight"

Local Board Approval Date: 3/14/2018

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/21/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Yvette Marley

Position: Lead Educational Interpreter

E-mail: [ymarley@shastacoe.org](mailto:ymarley@shastacoe.org)

Telephone: 530-225-2965

Fax: 530-225-0105

Bargaining Unit Date: 02/15/2018

Name: California School Employees' Association Chapt 642

Representative: Debbie Stewart

Title: C

Position: Support

# Attachment 4: Shasta County Office of Education General Waiver Request 37-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 37-3-2018

Active Year: 2018

Date In: 3/27/2018 1:57:37 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 7/1/2018

End: 6/30/2019

Waiver Renewal: Yes

Previous Waiver Number: 18-5-2017-W-12

Previous SBE Approval Date: 9/21/2017

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 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 Jessica Walker, the SCOE is requesting a waiver to allow her to interpret in the K-12 classroom during the 2018-19 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.

Jessica demonstrates a high level of dedication to professional development and with her attention to the responsibilities of her 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 will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 248

City Type: Rural

Public Hearing Date: 3/14/2018

Public Hearing Advertised: The local newspaper, "The Record Searchlight"

Local Board Approval Date: 3/14/2018

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/21/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Yvette Marley

Position: Lead Educational Interpreter

E-mail: [ymarley@shastacoe.org](mailto:ymarley@shastacoe.org)

Telephone: 530-225-2965

Fax: 530-225-0105

Bargaining Unit Date: 02/15/2018

Name: California School Employees' Association Chapt 642

Representative: Debbie Stewart

Title: Chapter President

Position: Support