

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2018 AgendaItem # W-09

## Subject

Requests by two County Offices 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 Amie Denner and Heather Pedraza to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

## Waiver Numbers

* San Joaquin County Office of Education 10-2-2018
* Siskiyou County Office of Education 27-2-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Amie Denner and Heather Pedraza qualify for an educational interpreter waiver to provide educational interpreting services until June 30, 2019.

## 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 county offices of education with the conditions as follows:

San Joaquin County Office of Education (SJCOE) hired Ms. Denner on February 2, 2018. This interpreter has until June 30, 2019, to meet the requirements of the California educational interpreter regulations. To this end,

1. The SJCOE must provide the support of a mentor that meets the certification of an Educational Sign Language Interpreter; the SJCOE will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor will call Ms. Denner through video phone, to practice active communication with voice, review testing comments and clarify needs, critique and support videos of Ms. Denner as well as testing result comments, and observe and support her in her interpreting. Both the mentor and Ms. Denner will communicate on a weekly basis, as needed.
2. Ms. Denner will observe other interpreters during class times, 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. SJCOE will provide monthly updates to CDE for the duration of the waiver.

Siskiyou County Office of Education (SCOE) hired Ms. Pedraza on July 1, 2017. This interpreter has until June 30, 2019, to meet the requirements of the California educational interpreter regulations. To this end,

1. The SCOE must provide, or work with another County Office of Education to provide, the support of a mentor 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 will call Ms. Pedraza through video phone, to practice active communication with voice, review testing comments and clarify needs, critique and support videos of Ms. Pedraza as well as testing result comments, and observe and support her in her interpreting. Both the mentor and Ms. Pedraza will communicate on a weekly basis, as needed.
2. Ms. Pedraza will 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 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.

**San Joaquin County Office of Education**

Ms. Denner, with a recent EIPA score of 3.8, requires “continued supervision and should be required to participate in continuing education in interpreting.” According to the EIPA Rating System, the current score indicates that this educational interpreter:

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

The San Joaquin County Office of Education (SJCOE) is requesting this waiver for Ms. Denner because this county office of education currently has six vacant Educational Sign Language Interpreter positions available. They have a continuous posting on EdJoin and they have not received an applicant that meets the minimum qualifications of a 4.0 certification.

Ms. Denner has been hired in this position and she currently holds a certificate from the EIPA Diagnostic Center with a score of 3.8. She has a Bachelors of Speech Language Pathology from the University of the Pacific, and she has been employed with an interpreting agency for approximately two years. Her experience working with the deaf and hard-of-hearing population will benefit the students of SJCOE. She is scheduled to retake the exam on March 3, 2018.

**Siskiyou County Office of Education**

Ms. Pedraza, with a recent EIPA score of 3.3, requires “continued supervision and should be required to participate in continuing education in interpreting.” According to the EIPA Rating System, the current score indicates that this educational interpreter:

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

The Siskiyou County Office of Education is requesting this waiver for Ms. Pedraza because the waiver will benefit a deaf student enrolled in the K-8 classroom at Happy Camp Elementary School. Ms. Pedraza’s assistance to the student will allow him to access the academic and social content of the classroom.

**Demographic Information**

San Joaquin County Office of Education has a student population of 848 and is located in Stockton, CA.

Happy Camp Elementary School has a student population of 110 and is located in a remote section of Siskiyou County.

**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** [https://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=EDC&sectionNum=33051](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_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:** San Joaquin County Office of Education General Waiver Request Waiver 10-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Siskiyou County Office of Education General Waiver Request Waiver 27-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

PLEASE MAKE SURE THAT ALL GREY BOXES HAVE BEEN DELETED WHEN YOU SAVE THE FINAL WAIVER AGENDA ITEM.

# 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** |
| --- | --- | --- | --- | --- | --- |
| 10-2-2018 | San Joaquin Office of Education(SJCOE) | **Requested:**February 8, 2018to February 8, 2019**Recommended:**February 8, 2018to June 30, 2019 | A waiver forAmie Denner | California School Employees AssociationChapter #755 Hernan MendozaCSEA President2/07/2018**Support** | Local Board approved on 2/1/2018Public hearing held on 1/29/2018**Support** |
| 27-2-2018 | SiskiyouCounty Office of Education(SCOE) | **Requested:**July 1, 2017to June 30, 2018**Recommended:**July 1, 2017to June 30, 2019 | A waiver forHeatherPedraza | California School Employees AssociationChapter #611 Jan FaheyChapter President1/22/2018**Support** | Local Board approved on 12/19/2017Public hearing held on 2/21/2018**Support** |

Created by California Department of Education
March 2018

# Attachment 2: San Joaquin County Office of Education General Waiver Request 10-2-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3910397

Waiver Number: 10-2-2018

Active Year: 2018

Date In: 2/14/2018 12:15:14 PM

Local Education Agency: San Joaquin County Office of Education

Address: 2922 Transworld Dr.

Stockton, CA 95206

Start: 2/8/2018

End: 2/8/2019

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: *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: The San Joaquin County Office of Education currently has six vacant Educational Sign Language Interpreter positions available. We have a continuous posting on EdJoin, unfortunately we have not received an applicant that meets the minimum qualifications of a 4.0 certification. Amie Denner has been hired in this position, she currently holds a certificate from the EIPA Diagnostic Center with a score of 3.8. Amie is scheduled to retake the exam on March 3, 2018. Aimee has a Bachelors of Speech Language Pathology from the University of the Pacific, and has been employed with an Interpreting agency for approximately 2 years. Her experience working with the deaf and hard of hearing population will benefit the students of SJCOE. We are requesting a waiver for Amie, and plan to fully support her in desire to complete the certification process.

Student Population: 848

City Type: Suburban

Public Hearing Date: 1/29/2018

Public Hearing Advertised: A Public Notice was posted at SJCOE with the information regarding regulations being waived and the length of the waiver.

Local Board Approval Date: 2/1/2018

Community Council Reviewed By: Community Advisory Comm(CAC) - must appear on the agenda for February 9, 2018 meeting

Community Council Reviewed Date: 2/9/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Aggie Christensen

Position: Coordinator II

E-mail: achristensen@sjcoe.net

Telephone: 209-468-9039

Fax: 209-468-9175

Bargaining Unit Date: 02/07/2018

Name: California School Employees Association Chptr #755

Representative: Hernan Mendoza

Title: CSEA president

Position: Support

**Attachment 3: Siskiyou County Office of Education Waiver 27-2-2018**

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4710470

Waiver Number: 27-2-2018

Active Year: 2018

Date In: 2/27/2018 10:19:27 AM

Local Education Agency: Siskiyou County Office of Education

Address: 609 South Gold St.

Yreka, CA 96097

Start: 7/1/2017

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, Heather Pedraza, the Siskiyou COE is requesting a waiver to allow her to interpret in the K-8 classroom during the 2017-2018 school year.

This will benefit Happy Camp Elementary School where a deaf and hard of hearing student is enrolled. Heather's assistance to the student will allow him to access the academic and social content of the classroom.

Happy Camp is a frontier community in a remote section of Siskiyou County. Sign language is not a common skill in the community.

Heather 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.

Student Population: 110

City Type: Rural

Public Hearing Date: 2/21/2018

Public Hearing Advertised: The local newspaper: The Siskiyou Daily News; public notices were posted in SCOE building's public areas

Local Board Approval Date: 2/21/2018

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 12/19/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jo Ann Eastlick

Position: Human Resources Manager

E-mail: jeastlick@siskiyoucoe.net

Telephone: 530-842-8408

Fax: 530-842-8436

Bargaining Unit Date: 01/22/2018

Name: CSEA Chapter #611

Representative: Jan Fahey

Title: Chapter President

Position: Support