

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education September 2018 AgendaItem #W-12

## 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 Christina Corley Cradduck, Crystal Snow and Courtney Fair to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

## Waiver Numbers

* Santa Barbara County Office of Education 28-5-2018
* Santa Barbara County Office of Education 29-5-2018
* Shasta County Office of Education 5-5-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Educational interpreters must attain a score of 4.0 on the Educational Interpreting Performance Assessment (EIPA) in order to become a certified interpreter. The State Board of Education (SBE) must determine if Christina Corley Cradduck, Crystal Snow and Courtney Fair 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 Santa Barbara County Office of Education (SBCOE) and Shasta County Office of Education (SCOE) with the conditions as follows:

The SBCOE hired Christina Corley Cradduck with an EIPA score of 3.9 in July 2016. This interpreter has until June 30, 2019, to receive a certification at a level of 4.0, with plans to retake the assessment in August 2018. This can take up to six months, so SBCOE is requesting the waiver until June 30, 2019.

To this end, the SBCOE must provide Ms. Cradduck 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 interpreter; the SBCOE will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor(s) will call Ms. Cradduck 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. Cradduck on a weekly basis, as needed.
2. Ms. Cradduck 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 SBCOE will provide monthly updates to the CDE for the duration of the waiver.

The SBCOE hired Crystal Snow with an Educational Sign Skills Evaluation (ESSE) score of 3.0 in July 2016. This interpreter has until June 30, 2019, to receive a certification at a level of 4.0 on the EIPA. Ms. Snow plans to take the EIPA by the end of 2018. This can take up to six months, so SBCOE is requesting the waiver until June 30, 2019.

To this end, the SBCOE must provide Ms. Snow 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 interpreter and will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor(s) will call Ms. Snow 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. Snow on a weekly basis, as needed.
2. Ms. Snow 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 SBCOE will provide monthly updates to the CDE for the duration of the waiver.

The SCOE hired Courtney Fair with an EIPA Pre-Hire level of “OK to Hire” in April 2018, with the latest EIPA score of 3.5 received in July 2018. This interpreter has until June 30, 2019, to receive a certification at a level of 4.0. 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. Fair 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 interpreter; the SCOE will also provide one-on-one mentoring and tutoring on an ongoing basis. The mentor(s) will call Ms. Fair 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. Fair on a weekly basis, as needed.
2. Ms. Fair 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. Cradduck (recent EIPA score of 3.9) and Ms. Fair (recent EIPA score of 3.5) “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.” The individuals would “comprehend 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.”

According to the ESSE web page at <https://seecenter.org/e-s-s-e> the ESSE “was developed to provide a means of identifying the dominant signing style of an individual and to provide meaningful, helpful feedback on areas of strength and areas in need of improvement. It provides an overall expressive skills rating as well as information on the type, level, and degree of understanding demonstrated receptively for both English-related signing and signing in American Sign Language. The ESSE consists of three different tests: ESSE:R (receptive), ESSE:I (interpreting), ESSE:T (teacher). Individuals can expect to receive an extensive detailed 8 to 10 page report in the mail in approximately 90 days. A SEE Center Certificate will also be issued which indicates when the Evaluation was taken and the Evaluation Results.”

**Santa Barbara County Office of Education**

The SBCOE is requesting this waiver for Ms. Cradduck and Ms. Snow because locating and hiring qualified ASL interpreters is an ongoing challenge in the county. Keeping up with the needs as staffing and demographics change makes keeping up with interpreter needs extremely difficult. Using current staff with ASL skill becomes a necessity in these situations in order to maintain required student/interpreter ratio.

**Demographic Information:** The Santa Barbara County Office of Education has a Deaf and Hard of Hearing (DHH) student population of 30, and is located in the suburban county of Santa Barbara.

**Shasta County Office of Education**

The SCOE is requesting this waiver for Ms. Fair because 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. This interpreter demonstrates 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 the interpreter more opportunities to interpret and will provide her with exposure to different interpreting styles, classroom content, and language proficiencies.

**Demographic Information:** The Shasta County Office of Education has a DHH 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:** Santa Barbara County Office of Education General Waiver Request 28-5-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Santa Barbara County Office of Education General Waiver Request 29-5-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Shasta County Office of Education General Waiver Request 5-5-2018 (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** |
| --- | --- | --- | --- | --- | --- |
| 28-5-2018 | Santa Barbara County Office of Education(SBCOE) | **Requested:**July 1, 2018 to June 30, 2019**Recommended:** July 1, 2018 to June 30, 2019 | A waiver for Christina Corley Cradduck | California School Employees AssociationChapter #817Leticia PadillaChapter President5/14/2018**Support** | A Public hearing was posted/distributed to work sites.Local Board4/15/2018**Support** |
| 29-5-2018 | SantaBarbara County Office of Education(SBCOE) | **Requested:**July 1, 2018 to June 30, 2019**Recommended:** July 1, 2018 to June 30, 2019 | A waiver forCrystal Snow | California School Employees AssociationChapter #817Leticia PadillaChapter President5/14/2018**Support** | A Public hearing was posted/distributed to work sites.Local Board4/15/2018**Support** |
| 5-5-2018 | Shasta County Office of Education(SCOE) | **Requested:**March 5, 2018 to June 30, 2018**Recommended:**July 1, 2018 toJune 30, 2019 | A waiver for Courtney Fair  | California School Employees AssociationChapter #642 Debbie StewartChapter President4/16/2018**Support** | A Public hearing was advertised in the local newspaper, “The Record Searchlight.”Local Board5/9/2018**Support** |

Created by California Department of Education
July 2018

# Attachment 2: Santa Barbara County Office of Education General Waiver Request 28-5-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4210421

Waiver Number: 28-5-2018

Active Year: 2018

Date In: 5/31/2018 1:12:05 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 7/1/2018

End: 6/30/2019

Waiver Renewal: Yes

Previous Waiver Number: 3-10-2016-W-12

Previous SBE Approval Date: 1/17/2017

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: Regulatory Provisions: CA 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 lieq of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on 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 (T*EC* Unit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Outcome Rationale: Locating and hiring 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 skill becomes a necessity in these situations in order to maintain required student/interpreter ratio.

Student Population: 1

City Type: Suburban

Public Hearing Date: 3/22/2018

Public Hearing Advertised: Posted/distributed to work sites

Local Board Approval Date: 4/15/2018

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 4/15/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cathy De Laurentis

Position: Coordinator, Special Education

E-mail: cdelaurentis@sbceo.org

Telephone: 805-964-4711 x2308

Fax: 805-964-4713

Bargaining Unit Date: 05/14/2018

Name: CA School Employees Association Chapter 817

Representative: Leticia Padilla

Title: President

Position: Support

# Attachment 3: Santa Barbara County Office of Education General Waiver Request 29-5-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4210421

Waiver Number: 29-5-2018

Active Year: 2018

Date In: 5/31/2018 1:25:16 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 7/1/2018

End: 6/30/2019

Waiver Renewal: Yes

Previous Waiver Number: 1-10-2016-W-12

Previous SBE Approval Date: 1/17/2017

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: Regulatory Provisions: CA 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 lieq of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on 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 (T*EC* Unit) certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Outcome Rationale: Locating and hiring 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 skill becomes a necessity in these situations in order to maintain required student/interpreter ratio.

Student Population: 1

City Type: Suburban

Public Hearing Date: 3/22/2018

Public Hearing Advertised: Posted/distributed to work sites

Local Board Approval Date: 4/15/2018

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 4/15/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cathy De Laurentis

Position: Coordinator, Special Education

E-mail: cdelaurentis@sbceo.org

Telephone: 805-964-4711 x2308

Fax: 805-964-4713

Bargaining Unit Date: 05/14/2018

Name: CA School Employees Association Chapter 817

Representative: Leticia Padilla

Title: President

Position: Support

# Attachment 4: Shasta County Office of Education General Waiver Request 5-5-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 5-5-2018

Active Year: 2018

Date In: 5/10/2018 10:26:19 AM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 3/5/2018

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 Courtney Fair, 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.

Courtney 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: 5/9/2018

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

Local Board Approval Date: 5/9/2018

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 4/18/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Yvette Marley

Position: SCOE Lead Educational Interpreter

E-mail: ymarley@shastacoe.org

Telephone: 530-225-2965

Fax: 530-225-0105

Bargaining Unit Date: 04/16/2018

Name: California School Employees' Association Chapt 642

Representative: Debbie Stewart

Title: Chapter President

Position: Support