

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education July 2019 AgendaItem #W-14

## 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 Chelsea Burch, Kyle Espinoza, Courtney Fair, and Danika Estes to continue to provide services to students until June 30, 2020, under a remediation plan to complete those minimum requirements.

## Waiver Numbers

* Santa Barbara County Office of Education 7-3-2019
* Shasta County Office of Education 12-3-2019
* Shasta County Office of Education 14-3-2019
* Shasta County Office of Education 15-3-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Chelsea Burch, Kyle Espinoza, Courtney Fair, and Danika Estes 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 the county offices of education with the following conditions:

### Santa Barbara County Office of Education (Santa Barbara COE), Chelsea Burch

1. The Santa Barbara COE must provide individual mentoring and professional development activities by a certified interpreter to work with Ms. Burch. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Ms. Burch will observe other interpreters providing services in classroom settings.
3. Ms. Burch will review various blogs about American Sign Language (ASL) grammar and syntax, and view practice ASL videos to increase her reception abilities.
4. Ms. Burch took the Educational Interpreter Performance Assessment (EIPA) exam on November 4, 2018, and received a score of 3.9. She is signing up to retake the test, and by June 30, 2020, the Santa Barbara COE will provide CDE with new assessment scores for Ms. Burch.

### Shasta County Office of Education (Shasta COE), Kyle Espinoza

1. The Shasta COE must provide individual mentoring and professional development activities by a certified interpreter to work with Mr. Espinoza. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Mr. Espinoza will observe other interpreters providing services in classroom settings.
3. Mr. Espinoza will review various blogs about ASL grammar and syntax, and view practice ASL videos to increase his reception abilities.
4. Mr. Espinoza took the EIPA exam on May 9, 2018, and received a score of 3.4. He is signing up to retake the test, and by June 30, 2020, the Shasta COE will provide CDE with new assessment scores for Mr. Espinoza.

### Shasta COE, Courtney Fair

1. The Shasta COE must provide individual mentoring and professional development activities by a certified interpreter to work with Ms. Fair. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Ms. Fair will observe other interpreters providing services in classroom settings.
3. Ms. Fair will review various blogs about ASL grammar and syntax, and view practice ASL videos to increase her reception abilities.
4. Ms. Fair most recently took the EIPA exam on November 19, 2018, and received a score of 3.8. She is signing up to retake the test, and by June 30, 2020, the Shasta COE will provide CDE with new assessment scores for Ms. Fair.

### Shasta COE, Danika Estes

1. The Shasta COE must provide individual mentoring and professional development activities by a certified interpreter to work with Ms. Estes. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Ms. Estes will observe other interpreters providing services in classroom settings.
3. Ms. Estes will review various blogs about ASL grammar and syntax, and view practice ASL videos to increase her reception abilities.
4. Ms. Estes most recently took the EIPA exam on November 19, 2018, and received a score of 3.4. She is signing up to retake the test, and by June 30, 2020, the Shasta COE will provide CDE with new assessment scores for Ms. Estes.

## 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.

### Santa Barbara COE, Chelsea Burch

Ms. Burch works as an Educational Interpreter for a student with significant learning disabilities in a high school in a suburban setting. There are eight students in the program, and Ms. Burch is serving 1-2 students during any class period. The students sign and understand at an intermediate level. Her work is overseen by a DHH Special Day Class Teacher.

Ms. Burch is assigned to work with a Certified Interpreter with whom she meets on a weekly basis. She is on a remediation plan created by the Santa Barbara COE to increase her skill level, which includes one-on-one mentoring, classroom observations of certified interpreters, videotaping her own interpreting skills with follow up feedback provided, and regular review of blogs and videos about American Sign Language grammar and syntax.

Ms. Burch took the EIPA exam on November 4, 2018, and received a score of 3.9.

The Santa Barbara COE has two other interpreters on SBE waivers, Christina Corley Cradduck for 7-1-2018 through 6-30-19 and Crystal Snow for 7-1-2018 through 6-30-2019.

### Shasta COE, Kyle Espinoza

Mr. Espinoza works as an Educational Interpreter in a K-12 classroom, which greatly benefits Shasta County’s Deaf and Hard of Hearing program by helping to provide deaf and hard of hearing students access to the academic and social content of the classroom.

Mr. Espinoza is assigned to work with a Certified Interpreter with whom he meets on a weekly basis. He is on a remediation plan created by the Shasta COE to increase his skill level, which includes one-on-one mentoring, upper division ASL college classes during the fall and spring semesters, maintaining and updating an educational interpreter webpage housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations and development opportunities, and videotaping his own interpreting skills with follow up feedback provided.

Mr. Espinoza took the EIPA exam on May 9, 2018, and received a score of 3.4.

### Shasta COE, Courtney Fair

Ms. Fair works as an Educational Interpreter in a K-12 classroom, which greatly benefits Shasta County’s Deaf and Hard of Hearing program by helping to provide deaf and hard of hearing students access to the academic and social content of the classroom.

Ms. Fair is assigned to work with a Certified Interpreter with whom she meets on a weekly basis. She is on a remediation plan created by the Shasta COE to increase her skill level, which includes one-on-one mentoring, upper division ASL college classes during the fall and spring semesters, maintaining and updating an educational interpreter webpage housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations and development opportunities, and videotaping her own interpreting skills with follow up feedback provided.

Ms. Fair took the EIPA exam on November 19, 2018, and received a score of 3.8.

### Shasta COE, Danika Estes

Ms. Estes works as an Educational Interpreter in a K-12 classroom, which greatly benefits Shasta County’s Deaf and Hard of Hearing program by helping to provide deaf and hard of hearing students access to the academic and social content of the classroom.

Ms. Estes is assigned to work with a Certified Interpreter with whom she meets on a weekly basis. She is on a remediation plan created by the Shasta COE to increase her skill level, which includes one-on-one mentoring, upper division ASL college classes during the fall and spring semesters, maintaining and updating an educational interpreter webpage housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations and development opportunities, and videotaping her own interpreting skills with follow up feedback provided.

Ms. Estes took the EIPA exam on November 19, 2018, and received a score of 3.4.

**Demographic Information:**

The Santa Barbara County Office of Education has a Deaf and Hard of Hearing student population of 3 and is located in Santa Barbara, California.

The Shasta County Office of Education has a student population of 604 and is located in a rural area of Shasta County.

Because this is a general waiver, if the SBE 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>

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (2 pages)
* **Attachment 2:** Santa Barbara County Office of Education General Waiver Request 7-3-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Shasta County Office of Education General Waiver Request 12‑3‑2019 (2 pages). Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Shasta County Office of Education General Waiver Request 14‑3‑2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Shasta County Office of Education General Waiver Request 15‑3‑2019 (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** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 7-3-2019 | Santa Barbara County Office of Education | **Requested:**March 15, 2019to March 14, 2020**Recommended:**March 15, 2019to June 30, 2020 | California School Employees AssociationChapter #817Leticia Padilla, President1/22/19**Support**  | Notice of Public Hearing was posted and distributed to all work sites in the county.Vote held on 1/3/19**No Objection** |
| 12-3-2019 | Shasta County Office of Education | **Requested:**December 20, 2018 to June 30, 2020**Recommended:**December 20, 2018 to June 30, 2020 | California School Employees AssociationChapter #642Debbie Stewart, Chapter President2/12/19**Support**  | Notice of Public Hearing was published in the local newspaper, “The Record Searchlight.”Vote held on 3/13/19**No Objection** |
| 14-3-2019 | Shasta County Office of Education | **Requested:**July 1, 2019to June 30, 2020**Recommended:**July 1, 2019to June 30, 2020 | California School Employees AssociationChapter #642Debbie Stewart, Chapter President2/12/19**Support**  | Notice of Public Hearing was published in the local newspaper, “The Record Searchlight.”Vote held on 3/13/19**No Objection** |
| 15-3-2019 | Shasta County Office of Education | **Requested:**July 1, 2019to June 30, 2020**Recommended:**July 1, 2019to June 30, 2020 | California School Employees AssociationChapter #642Debbie Stewart, Chapter President2/12/19**Support**  | Notice of Public Hearing was published in the local newspaper, “The Record Searchlight.”Vote held on 3/13/19**No Objection** |

Created by California Department of Education
March 21, 2019

# Attachment 2: Santa Barbara County Office of Education General Waiver Request 7-3-2019

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4210421

Waiver Number: 7-3-2019

Active Year: 2019

Date In: 3/14/2019 3:06:05 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 3/15/2019

End: 3/14/2020

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: *California 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.

The strike-out on the preceding Section 3051.16 (b)(3) indicates the exact language being waived but is still valid.

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. Hiring staff who are currently in the process of becoming fully-certified as ASL Interpreters becomes a necessity in these situations in order to maintain required student/Interpreter ratio.

Student Population: 3

City Type: Suburban

Public Hearing Date: 1/24/2019

Public Hearing Advertised: Posted/distributed to work sites.

Local Board Approval Date: 1/3/2019

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 1/3/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Tom Heiduk

Position: Manager, Credentials Services

E-mail: theiduk@sbceo.org

Telephone: 805-964-4711 x5266

Fax: 805-964-4713

Bargaining Unit Date: 01/22/2019

Name: CA School Employees Association Chapter 817

Representative: Leticia Padilla

Title: President

Position: Support

# Attachment 3: Shasta County Office of Education General Waiver Request 12‑3‑2019

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 12-3-2019

Active Year: 2019

Date In: 3/18/2019 9:26:42 AM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 12/20/2018

End: 6/30/2020

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, and 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*HUnit certification, or have achieved a score of 4.0 or above on the EIPA-Cued Speech.]

Outcome Rationale: On behalf of Kyle Espinoza the SCOE is requesting a waiver to allow him to interpret in the K-12 classroom during the 2019/2020 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. Mr. Espinoza demonstrates a high level of dedication to professional development and with his attention to the responsibilities of the work, he 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 which will provide them with exposure to differ

Student Population: 604

City Type: Rural

Public Hearing Date: 3/13/2019

Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 3/13/2019

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/6/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stephanie Constantinou

Position: Lead Educational Interpreter

E-mail: sconstantinou@shastacoe.org

Telephone: 916-365-1404

Bargaining Unit Date: 02/12/2019

Name: California School Employees' Association, Chpt 642

Representative: Debbie Stewart

Title: Chapter President

Position: Support

# Attachment 4: Shasta County Office of Education General Waiver Request 14‑3‑2019

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 14-3-2019

Active Year: 2019

Date In: 3/18/2019 9:56:23 AM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 7/1/2019

End: 6/30/2020

Waiver Renewal: Yes

Previous Waiver Number: 5-5-2018

Previous SBE Approval Date: 9/7/2018

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, and 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*HUnit 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 2019/2020 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. Ms. Fair demonstrates a high level of dedication to professional development and with her attention to the responsibilities of the 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 which will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 604

City Type: Rural

Public Hearing Date: 3/13/2019

Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 3/13/2019

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/6/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stephanie Constantinou

Position: Lead Educational Interpreter

E-mail: sconstantinou@shastacoe.org

Telephone: 916-365-1404

Bargaining Unit Date: 02/12/2019

Name: California School Employees' Association, Chpt 642

Representative: Debbie Stewart

Title: Chapter President

Position: Support

# Attachment 5: Shasta County Office of Education General Waiver Request 15‑3‑2019

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 15-3-2019

Active Year: 2019

Date In: 3/18/2019 10:07:12 AM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

REDDING, CA 96001

Start: 7/1/2019

End: 6/30/2020

Waiver Renewal: Yes

Previous Waiver Number: 35-3-2018

Previous SBE Approval Date: 7/11/2018

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, and 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*HUnit 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 2019/2020 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. Ms. Estes demonstrates a high level of dedication to professional development and with her attention to the responsibilities of the 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 which will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 604

City Type: Rural

Public Hearing Date: 3/13/2019

Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 3/13/2019

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/6/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stephanie Constantinou

Position: Lead Educational Interpreter

E-mail: sconstantinou@shastacoe.org

Telephone: 916-365-1404

Bargaining Unit Date: 02/12/2019

Name: California School Employees' Association, Chpt 642

Representative: Debbie Stewart

Title: Chapter President

Position: Support