

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2019 AgendaItem #W-10

## Subject

Requests by two local educational agencies 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 Regina Lanteigne and Sarah Vinison-Lopez to continue to provide services to students until June 30, 2019, under a remediation plan to complete those minimum requirements.

## Waiver Numbers

* Corcoran Joint Unified School District 13-11-2018
* Manhattan Beach Unified School District 2-1-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Regina Lanteigne and Sarah Vinison-Lopez 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 local education agencies with the following conditions:

Corcoran Joint Unified School District, (CJUSD) Regina Lanteigne

1. Ms. Lanteigne must participate in test preparation workshops offered through Central California Registry for Interpreters for Deaf.
2. Ms. Lanteigne must participate in seminars offered at the Kings County Office of Education/Deaf and Hard of Hearing Services.
3. Ms. Lanteigne must meet regularly with a certified interpreter mentor for feedback and progress monitoring of the above learning goals. Mentor: Mrs. Pat Thron, IC/TC Certified.
4. Participate in tri-annual meeting with a mentor and Director of Special Services to review educational interpreter learning goals focused on improvement of educational interpreter skills and exam preparation.
5. Complete the ESSE-I/R or EIPA by June 1, 2019.

Manhattan Beach Unified School District, (MBUSD) Sarah Vinison-Lopez

1. The Manhattan Beach USD must provide individual mentoring and professional development activities by a certified interpreter to work with Ms. Lopez. This work will include meeting with a mentor on a regular basis focusing on skill development.
2. Ms. Lopez will observe other interpreters providing services in classroom settings.
3. Ms. Lopez will review various blogs about American Sign Language (ASL) grammar and syntax, and view practice ASL videos to increase her expressive skills abilities.
4. By June 30, 2019, the Manhattan Beach USD will provide CDE with new assessment scores for Ms. Lopez.

## Summary of Key Issues

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, 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.

Corcoran Joint Unified School District – Regina Lanteigne

Ms. Lanteigne had been previously employed by CJUSD to interpret for a student who graduated in June 2016. She left the district and was hired again by CJUSD in the 2018-19 school year to interpret for one elementary student. Ms. Lanteigne is scheduled to take the EIPA exam on June 1, 2019 and will submit her test score to CDE. Ms. Lanteigne will follow the conditions outlined in this waiver.

Manhattan Beach Unified School District – Sarah Vinison-Lopez

Ms. Lopez works as an educational interpreter for MBUSD. Ms. Lopez has competed an interpreter training program. She took the ESSE skills evaluation and passed the receptive skill with a 4.0 but only scored a 2.7 on the expressive skills. The district feels that Ms. Lopez has the ability to pass the expressive portion of the exam by June 2019.

**Demographic Information:**

The Corcoran JUSD has a Deaf and Hard of Hearing student population of 40 and is located in Kings County, California.

The Manhattan Beach USD has a Deaf and Hard of Hearing student population of 54 is located in Los Angeles County, California.

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>

The Corcoran JUSD was previously granted a waiver by the SBE for Ms. Lanteigne to provide services for deaf and hard of hearing students at the November 2016 SBE meeting. The term of this waiver, waiver number 12-8-2016, ended June 30, 2017.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Corcoran Joint Unified School District Request 13-11-2018
(2 pages), (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Manhattan Beach Unified School District General Waiver Request 13-11-2018 (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** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 13-11-2018 | Corcoran Joint Unified School District | **Requested:**August 13, 2018to June 1, 2019**Recommended:**August 13, 2018to June 30, 2019 | California School Employees AssociationDulce Sandoval President7/23/18**Support** | Notice of Public Hearing advertised in the Corcoran Journal Newspaper 9/6/2018.Additional notices were posted at all school sites and district office.Local Board Approval Date 9/25/2018**No Objection** |
| 2-1-2019 | Manhattan Beach Unified School District  | **Requested:**November 27, 2018 to June 21, 2019**Recommended:**November 27, 2018 to June 30, 2019 | California School Employees AssociationRichard Gaines, President11/30/2018**Support**  | Notice of Public Hearing was posted and distributed on the meeting agenda.Local Board Approval Date 12/5/2018**No Objection** |

Created by California Department of Education

February 15, 2019

# Attachment 2: Corcoran Joint Unified School District Request 13-11-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1663891

Waiver Number: 13-11-2018

Active Year: 2018

Date In: 11/16/2018 1:57:05 PM

Local Education Agency: Corcoran Joint Unified School District

Address: 1520 Patterson Ave.

Corcoran, CA 93212

Start: 8/13/2018

End: 6/1/2019

Waiver Renewal: Yes

Previous Waiver Number: 12-8-2016-W-02

Previous SBE Approval Date: 11/2/2016

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: By July 1, 2009, and thereafter, an educational interpreter shall be certified by 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, or have achieved a score of 4.0 or above on the EIPA- Cued Speech.

Outcome Rationale: Regina was employed by CUSD during the 2016/2017 school year to interpret for a student at our high school (waiver number 12-8-16).The student graduated in June 2016. Regina took the EIPA exam on July 1, 2017 and earned a score of 3.3. We have a new elementary school student who is deaf and requires an interpreter. We opened the position and had no applicants except for Regina. She is rescheduled to take the EIPA exam again on June 1, 2019, which was the first available test date. Regina has continued to attend courses and workshops to assist her in passing the exam. Most recently she attended the EIPA Retreat (6/25-6/29/2018. The District has purchased a video collection for assistance. In addition, Regina has and will continue to meet with Pat Thron (RID certified interpreter) on a regular basis to formally build her skills.

Student Population: 3234

City Type: Rural

Public Hearing Date: 9/11/2018

Public Hearing Advertised: The Public Hearing was advertised in the Corcoran Journal Newspaper on September 6, 2018. In addition notices regarding the public hearing were posted at all school sites and the District Office.

Local Board Approval Date: 9/25/2018

Community Council Reviewed By: Special Education Local Planning Agency (SELPA) Advisory

Community Council Reviewed Date: 5/17/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. DeLinda Chubbuck

Position: Director of Special Education

E-mail: delindachubbuck@corcoranunified.com

Telephone: 559-992-8888 x1248

Fax: 559-992-3957

Bargaining Unit Date: 07/23/2018

Name: California School Employee Association Chapter 214

Representative: Dulce Sandoval

Title: Chapter President

Position: Support

# Attachment 3: Manhattan Beach Unified School District General Waiver Request 13-11-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1975333

Waiver Number: 2-1-2019

Active Year: 2019

Date In: 1/4/2019 10:26:43 AM

Local Education Agency: Manhattan Beach Unified School District

Address: 325 South Peck Ave.

Manhattan Beach, CA 90266

Start: 11/27/2018

End: 6/21/2019

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: 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: District has diligently searched and advertised for a certificated interpreter to fill a full-time vacancy since July, 2018. No qualified applicants have accepted district offer. District investigated salary of position in question to ensure it was comparable to surrounding areas. Current applicant of waiver is an employee within the district who has demonstrated exceptional enthusiasm and expertise. Although she completed an interpreter training program, she was has not yet passed the expressive portion of this assessment. Attached, you will see that most recent attempt demonstrates passing at 4.0 for receptive. The district feels that Sarah has the ability to pass the expressive portion of the exam by June, 2019.

Student Population: 54

City Type: Suburban

Public Hearing Date: 12/5/2018

Public Hearing Advertised: Meeting Agenda

Local Board Approval Date: 12/5/2018

Community Council Reviewed By: Personnel Commission

Community Council Reviewed Date: 11/6/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Michelle Sumner

Position: Coordinator of Special Education

E-mail: msumner@mbusd.org

Telephone: 310-318-7345 x5958

Bargaining Unit Date: 11/30/2018

Name: California School Employees Association

Representative: Richard Gaines

Title: President

Position: Support