

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2020 AgendaItem #W-12

## Subject

Requests by **Santa Barbara 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 Christina Corley-Cradduck and Crystal Snow to continue to provide services to students until June 30, 2021, under a remediation plan to complete those minimum requirements.

## Waiver Number

* Santa Barbara County Office of Education 9-3-2020
* Santa Barbara County Office of Education 10-3-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Christina Corley-Cradduck and Crystal Snow qualify for an educational interpreter waiver to provide educational interpreting services until June 30, 2021.

## 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 renewal waiver requests by the county office of education with the following conditions:

**Santa Barbara County Office of Education (SBCOE), Christina Corley-Cradduck; The SBCOE must provide the following:**

* + Christina will have an assigned mentor to support her through phone calls and regular meetings.
		- Christina’s Mentor provides 1-1 mentoring and tutoring on an ongoing basis.
		- Christina’s mentor calls her through video phone to practice active communication with voice, reviews testing comments and supports videos of Christina.
		- Christina’s mentor communicates on a weekly basis, or as needed.
	+ Christina observes other interpreters, often her mentor.
		- A discussion takes place with her mentor after the observation to review and respond to Christina’s questions.
	+ Christina takes personal videos of herself interpreting lessons for self-evaluation
		- Christina’s mentor reviews the videos with her and provides feedback.
	+ Christina reviews blogs and videos about ASL grammar and syntax.
		- Christina meets with her mentor to review what she has viewed and goes over any questions and receives clarification on any areas.

**SBCOE, Crystal Snow; the SBCOE must provide the following:**

* + Crystal will have an assigned mentor to support her through phone calls and regular meetings.
		- Crystal’s Mentor provides 1-1 mentoring and tutoring on an ongoing basis.
		- Crystal’s mentor calls her through video phone to practice active communication with voice, reviews testing comments and supports videos of Crystal.
		- Crystal’s mentor communicates on a weekly basis, or as needed.
	+ Crystal observes other interpreters, often with her mentor.
		- A discussion takes place with her mentor after the observation to review and respond to Crystal’s questions.
	+ Crystal takes personal videos of herself interpreting lessons for self-evaluation.
		- Crystal’s mentor reviews the videos with her and provides feedback.
	+ Crystal reviews blogs and videos about ASL grammar and syntax.
		- Crystal meets with her mentor to review what she has viewed and goes over any questions and receives clarification on any areas.

## 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, or the National Association of the Deaf/American Consortium of Certified Interpreters assessment. If providing Cued Language transliteration, a translator shall possess Testing/Evaluation and Certification Unit certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

**SBCOE, Christina Corley-Cradduck**

Ms. Corley-Cradduck was assessed by the Boys Town National Research Hospital, and received a score of 3.5. The result stated she generally has sufficient sign language vocabulary to convey much of the information.

**SBCOE, Crystal Snow**

Ms. Snow was assessed by the Boys Town National Research Hospital, and received a score of 3.5. The result stated she generally has sufficient sign language vocabulary to convey much of the information.

**Demographic Information:**

The Santa Barbara County Office of Education, located in Santa Barbara County, serves a Special Education student population of 5 and operates a Deaf and Hard of Hearing Program.

**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 <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 (1 pages)
* **Attachment 2:** Santa Barbara County Office of Education General Waiver Request 9-3-2020 (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 10-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

CCR, Title 5 Section 3051.16(b)(3)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 9-3-2020 | Santa Barbara County Office of Education | **Requested:**3/10/2020-3/1/2021**Recommended:**3/10/2020-6/30//2021 | CA School Employees Association Chapter 81703/04/2020**Support** | Local Board and Public Hearing Date: 2/27/2020Public Hearing Advertised: Posted/distributed to work sites |
| 10-3-2020  | Santa Barbara County Office of Education | **Requested:**3/10/2020-3/1/2021**Recommended:**3/10/2020-6/30/2021 | CA School Employees Association Chapter 81703/04/2020**Support** | Local Board and Public Hearing Date: 2/27/2020Public Hearing Advertised: Posted/distributed to work sites |

Created by Californian Department of Education

July 2020

# Attachment 2: Santa Barbara County Office of Education General Waiver Request 9-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4210421

Waiver Number: 9-3-2020

Active Year: 2020

Date In: 3/9/2020 3:33:21 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 3/10/2020

End: 3/1/2020

Waiver Renewal: Yes
Previous Waiver Number: 28-5-2018-W-12
Previous SBE Approval Date 9/11/2018

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: 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: 2

City Type: Suburban

Public Hearing Date: 2/27/2020
Public Hearing Advertised: Posted/distributed to work sites

Local Board Approval Date: 3/4/2020

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 3/4/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Deby Geiger

Position: Director, Special Eduction Programs

E-mail: dgeiger@sbceo.org

Telephone: 805-964-4711 x2312

Fax: 805-964-4713

Bargaining Unit Date: 03/04/2020

Name: CA School Employees Association Chaper 817

Representative: Letica Padilla

Title: President

Phone: 805 922-0334408-678-3300

Position: Support

Comments:

# Attachment 3: Santa Barbara County Office of Education General Waiver Request 10-3-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4310439

Waiver Number: 8-1-2020

Active Year: 2020

Date In: 1/13/2020 4:15:15 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 3/10/2020

End: 3/1/2020

Waiver Renewal: Yes

Waiver Topic: Special Edu cation 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

Ed Code or *CCR* to Waive: *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law. (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: 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: 3

City Type: Suburban

Public Hearing Date: 2/27/2020
Public Hearing Advertised: Posted/distributed to work sites
Local Board Approval Date: 3/4/2020

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 3/4/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Deby Geiger

Position: Director, Special Eduction Programs

E-mail: dgeiger@sbceo.org

Telephone: 805-964-4711 x2312

Fax: 805-964-4713

Bargaining Unit Date: 03/04/2020

Name: CA School Employees Association Chaper 817

Representative: Letica Padilla

Title: President

Phone: 805 922-0334408-678-3300

Position: Support

Comments: