

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education September 2020 AgendaItem #W-07

## Subject

Requests by **Shasta 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 Alex Osborn, Curtis Horner and Kyle Espinoza to continue to provide services to students until June 30, 2021, under a remediation plan to complete those minimum requirements.

## Waiver Number

* Shasta County Office of Education 5-5-2020
* Shasta County Office of Education 6-5-2020
* Shasta County Office of Education 7-5-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Alex Osborn, Curtis Horner and Kyle Espinoza 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 waiver requests by the county office of education with the following conditions:

**Shasta County Office of Education (SCOE), Alex Osborn; the SCOE must provide the following:**

* Weekly one-on-one mentoring sessions
* Personalized lesson plans for weekly professional development
* Maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to American Sign Language (ASL) on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities

**SCOE, Curtis Horner; the SCOE must provide the following:**

* Weekly one-on-one mentoring sessions
* Maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities
* Monthly group professional development meetings

**SCOE, Kyle Espinoza; the SCOE must provide the following:**

* Weekly one-on-one mentoring sessions
* Maintaining and updating an educational interpreter webpage accessible to each SCOE interpreter housing a variety of support links to ASL on-line dictionaries, interpreter resources, professional organizations, and professional development opportunities
* Monthly group professional development meetings

## Summary of Key Issues

The Individual with Disabilities Education Improvement Act of 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 transliterator shall possess Testing/Evaluation and Certification Unit certification, or have achieved a score of 4.0 or above on the EIPA – Cued Speech.

**SCOE, Alexis Osborn**

This is the first time SCOE is requesting a waiver for Ms. Osborn who is completing her internship with SCOE while attending Western Oregon University’s Interpreter Training Program, and is planning to continue with SCOE upon completion provided she successfully passes the EIPA pre-hire assessment.

When public health conditions improve and the testing sites reopen, Ms. Osborn will be required to take the EIPA. Currently, three out of the four EIPA testing sites \* are closed due to COVID 19. The fourth site, RISE Elementary School in Riverside, CA, is currently open, but this is subject to change. In addition, it is neither safe nor feasible to require a school employee to travel to Riverside due to COVID 19.

**SCOE, Curtis Horner**

This is the first time SCOE is requesting a waiver for Mr. Horner who was assessed by the Boys Town National Research Hospital, and received an EIPA pre-hire Assessment Score of “OK to Hire/Hire with Caution” and plans to take the full EIPA soon.

When public health conditions improve and the testing sites reopen, Mr. Homer will be required to take the EIPA. Currently, three out of the four EIPA testing sites \* are closed due to COVID 19. The fourth site, RISE Elementary School in Riverside, CA, is currently open, but this is subject to change. In addition, it is neither safe nor feasible to require a school employee to travel to Riverside due to COVID 19.

**SCOE, Kyle Espinoza**

This is a renewal waiver for Mr. Espinoza who recently received a score of 3.6 on the EIPA. According to SCOE, he has a high level of dedication to his work and will continue to strive to meet the CDE’s requirements as soon as possible.

When public health conditions improve and the testing sites reopen, Mr. Espinoza will be required to take the EIPA. Currently, three out of the four EIPA testing sites \* are closed due to COVID 19. The fourth site, RISE Elementary School in Riverside, CA, is currently open, but this is subject to change. In addition, it is neither safe nor feasible to require a school employee to travel to Riverside due to COVID 19.

\*In addition to the Riverside, CA, location, the EIPA exam is given at the following sites: Fairfield Elementary School, Clovis, CA; American River College, Sacramento, CA; and Deaf Heart Interpreting Agency, Anaheim, CA.

**Demographic Information:**

SCOE is located in Shasta County, CA, serves a population of 26,977.

**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 page)
* **Attachment 2:** Shasta County Office of Education General Waiver Request 5-5-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Shasta County Office of Education General Waiver Request 6-5-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Shasta County Office of Education General Waiver Request 7-5-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*California Code of Regulations*, 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** |
| --- | --- | --- | --- | --- |
| 5-5-2020 | Shasta County Office of Education | **Requested:**4/29/2020-6/30/2020**Recommended:**4/29/2020-6/30/2022 | CA School Employees Association Chapter 642 05/04/2020**Support**  | Local Board and Public Hearing Date: 5/13/2020Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight” |
| 6-5-2020  | Shasta County Office of Education | **Requested:**4/1/2020-6/30/2020**Recommended:**4/1/2020-6/30/2022 | CA School Employees Association Chapter 642 05/04/2020**Support**  | Local Board and Public Hearing Date: 5/13/2020Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight” |
| 7-5-2020 | Shasta County Office of Education  | **Requested:**7/1/2020-6/30/2020**Recommended:**7/1/2020-6/30/2022 | CA School Employees Association Chapter 642 05/04/2020**Support**  | Local Board and Public Hearing Date: 5/13/2020Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight” |

Created by Californian Department of Education July 2020

# Attachment 2: Shasta County Office of Education General Waiver Request 5-5-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4510454

Waiver Number: 5-5-2020

Active Year: 2020

Date In: 5/18/2020 1:05:17 PM

Local Education Agency: Shasta County Office of Education

Address Magnolia Ave.: 16444400 Cathedral Oaks Rd.

Redding, CA 96001

Start: 4/29/2020

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: 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: On behalf of Alexis Osborn, the SCOE is requesting a waiver to allow him/her to interpret in the K-12 classroom during the 2020-2021 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. Alexix is completing her internship with SCOE while attending Western Oregon University's Interpreter Training Program and is planning to continue with SCOE upon completion provided her passing the EIPA prehire assessment. With her high level of dedication to professional development and 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 will provide them with exposure to different interpreting styles, classroom content, and language proficiencies.

Student Population: 26977

City Type: Rural

Public Hearing Date: 5/13/2020
Public Hearing Advertised: Notice in the local newspaper, "The Record Searchlight"

Local Board Approval Date: 5/13/2020

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 5/4/2020

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: 03/04/2020

Name: CA School Employees Association Chaper 642

Representative: Debbie Stewart

Title: Chapter President

Phone: (530) 225-0340
Position: Support
Comments:

# Attachment 3: Shasta County Office of Education of Education

**WAIVER SUBMISSION – General**

CD Code: 4510454

Waiver Number: 6-5-2020

Active Year: 2020

Date In: 5/18/2020 1:18:29 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Avenue, SELPA Office

Redding, CA 96001

Start: 4/1/2020

End: 6/30/2020

Waiver Renewal: No

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: On behalf of Curtis Horner, the SCOE is requesting a waiver to allow him to interpret in the K-12 classroom during the 2020/2021 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. Curtis recently received an EIPA Pre-Hire Assessment Score of "OK to Hire/Hire With Caution" and plans to take the full EIPA soon. With his high level of dedication to professional development and his/her attention to the responsibilities of his 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 education interpreters more opportuitues to interpret together in teams will provide them with exposure to different interpreting styles, classroom content, and language proficienceis.

Student Population: 26977

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Public Hearing Date: 5/13/2020
Public Hearing Advertised: Notice in the local newspaper, “The Record Searchlight”

Local Board Approval Date: 5/13/2020

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 5/4/2020

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.orgTelephone: 916-365-1404

Bargaining Unit Date: 05/04/2020
Name: California School Employees' Association, Chpt 642
Representative: Debbie Stewart
Title: Chapter President
Phone: (530) 225-0340
Position: Support
Comments:

# Attachment 4: Shasta County Office of Education of Education

**WAIVER SUBMISSION – General**

CD Code: 4510454

Waiver Number: 7-5-2020

Active Year: 2020

Date In: 5/18/2020 1:35:44 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Avenue, SELPA Office

Redding, CA 96001

Start: 7/1/2020

End: 6/30/2020

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: On behalf of Kyle Espinoza, the SCOE is requesting a waiver to allow him to interpret in the K-12 classroom during the 2020/2021 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. Kyle recently received a score of 3.6 on the EIPA. With his high level of dedication to professional development and his attention to the responsibilities of his 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 education interpreters more opportuitues to interpret together in teams will provide them with exposure to different interpreting styles, classroom content, and language proficienceis.

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Local Board Approval Date: 5/13/2020

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 5/4/2020

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.orgTelephone: 916-365-1404

Bargaining Unit Date: 05/04/2020
Name: California School Employees' Association, Chpt 642
Representative: Debbie Stewart
Title: Chapter President
Phone: (530) 225-0340
Position: Support
Comments: