

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2021 Agenda Item #W-03

## Subject

Request by **Santa Barbara County Office of Education** for a renewal to waive *California Code of Regulations*, Title 5, Section 3051.16(c), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Crystal Snow to continue to provide services to students until June 30, 2022, under a remediation plan to complete those minimum requirements.

## Waiver Number

* Santa Barbara County Office of Education 21-12-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

The State Board of Education (SBE) must determine if Ms. Snow qualifies for an educational interpreter waiver to provide educational interpreting services until June 30, 2022.

## 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 request by the Santa Barbara County Office of Education (SBCOE) with the following conditions:

* + Ms. Snow will have a mentor assigned by SBCOE to support her through phone calls and regular meetings.
    - Ms. Snow’s mentor provides 1-1 mentoring and tutoring on an ongoing basis.
    - Ms. Snow’s mentor calls her through video phone to practice active communication with voice, reviews testing comments and supports videos of Ms. Snow.
    - Ms. Snow’s mentor communicates on a weekly basis, or as needed.
  + Ms. Snow observes other interpreters, often with her mentor.
    - A discussion takes place with her mentor after the observation to review and respond to Ms. Snow’s questions.
  + Ms. Snow takes personal videos of herself interpreting lessons for self-evaluation.
    - Ms. Snow’s mentor reviews the videos with her and provides feedback.
  + Ms. Snow reviews blogs and videos about ASL grammar and syntax.
    - Ms. Snow meets with her mentor to review what she has viewed and goes over any questions and receives clarification on any areas.
  + Ms. Snow will re-take the Educational Interpreter Performance Assessment (EIPA) exam as soon as possible, when the Assessment Centers reopen. Currently, Assessment Centers are closed due to COVID-19.
  + When scores become available, the SBCOE must provide CDE with new EIPA assessment scores for Ms. Snow.

## 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(c) requires the following:

### 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 and 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 County Office of Education, Crystal Snow

Ms. Snow first took the EIPA on June 6, 2015. Her EIPA Certificate indicated a score of 2.9. A waiver was applied for and granted by the SBE at the September 2018 meeting. Ms. Snow retested at the Boys Town National Research Hospital for the EIPA on January 12, 2019, and February 1, 2020, and earned a score of 3.4. The results stated she generally has sufficient sign language vocabulary to convey much of the information. A second waiver was applied for and granted by the SBE at the July 2020 meeting. Due to COVID 19 and the temporary closing of testing centers, Ms. Snow has been unable to retest. A waiver renewal is being requested for Ms. Snow to continue in her position and work towards retesting to reach the state required EIPA score of 4.0 or higher, or other qualified certification to continue in the position. When testing centers reopen, Ms. Snow will retest.

**Demographic Information:**

The Santa Barbara County Office of Education, located in Santa Barbara County, serves a Special Education student population of five and operates a Deaf and Hard of Hearing Program. Ms. Snow serves one student in General Education 8th grade classes.

**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>.

The SBE has granted the SBCOE eight previous waivers for Deaf and Hard of Hearing Interpreters. These waivers did identify the same staff on two occasions. The SBCOE makes successful attainment of a passing score of 4.0 on the EIPA a condition of continued employment in the position of interpreter.

## 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 21-12-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*CCR*, Title 5 Section 3051.16(c)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** |
| --- | --- | --- | --- | --- |
| 21-12-2020 | Santa Barbara County Office of Education | **Requested:**  3/1/2021- 3/1/2022  **Recommended:**  7/5/2021- 6/30/2022 | CA School Employees Association Chapter 817  12/09/2020  **Support** | Local Board and Public Hearing Date: 11/19/2020  Public Hearing Advertised: Posted/distributed to work sites |

Created by California Department of Education

March 2021

# Attachment 2: Santa Barbara County Office of Education General Waiver Request 21-12-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4210421

Waiver Number: 21-12-2020

Active Year: 2020

Date In: 12/21/2020 2:27:46 PM

Local Education Agency: Santa Barbara County Office of Education

Address: 4400 Cathedral Oaks Rd.

Santa Barbara, CA 93110

Start: 3/1/2021

End: 3/1/2022

Waiver Renewal: Y

Previous Waiver Number: 10-3-2020-W-12

Previous SBE Approval Date: 7/14/2020

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 TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.

Outcome Rationale: Locating and hiring/retaining 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: 11/19/2020

Public Hearing Advertised: Posted and distributed to work sites.

Local Board Approval Date: 11/19/2020

Community Council Reviewed By: Santa Barbara County Board of Education

Community Council Reviewed Date: 11/19/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Deborah Geiger

Position: Director, Special Education

E-mail: [dgeiger@sbceo.org](file:///C:\Users\lismith\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\S8FXJIC7\dgeiger@sbceo.org)

Telephone: 805-922-0334 x2312

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Bargaining Unit Date: 12/09/2020

Name: CA School Employees Association Chapter 817

Representative: Letitia Padilla

Title: President

Phone: (805) 922-0334

Position: Support

Comments: