



PROPOSED AGENDA ITEM RATIONALE

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Gary Sherman, Teresa Coonts and Rhonda Fleischer

PROPOSED AGENDA ITEM: Educational Interpreter Update

RATIONALE/BACKGROUND INFORMATION:

This summary update is regarding the proposed NDE Rule 51 changes to the qualification of educational interpreters. This information will provide a short overview of how we got here, review the proposed changes, and share the next steps in this process.

How We Got Here: LR517 (in 2014 Legislation) directed the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) to study ways to improve the quality and availability of sign language interpreters, both in the community (oversight is by the NCDHH) and in public schools (oversight is by NDE through Rule 51). NCDHH organized and facilitated four work groups, one of which was specific to educational interpreters in public schools. NDE staff (Teresa Coonts and Rhonda Fleischer) participated in that work group. The work groups then reported to a Steering Committee. NDE staff continued to participate in this committee. The committee then selected priority recommendations. One of the primary recommendations was to keep the oversight of educational interpreters and their qualifications in Rule 51 and under the direction of NDE. Another recommendation was to raise the minimum EIPA score for educational interpreters from 3.5 to 4.0 in Rule 51. The NCDHH committee work was completed at the end of 2014.

Jan. 2015 John Wyvill, Director of NCDHH, presented to the state board the recommendation to raise the current EIPA score for educational interpreters from 3.5 to 4.0

Feb. 2015 Rhonda Fleischer, Teresa Coonts, and Donna Moss, presented to the state board information regarding status of current educational interpreters. Following that meeting, NDE staff was directed to start developing timelines and to create a writing committee, with representation from all key stakeholders, to write proposed Rule 51 language specific to educational interpreters.

March 2015 Rhonda and Teresa wrote up proposed timelines and suggested memberships and representation for the writing committee. Those were shared with our Director of Special Education and the Commissioner for final input.

April 2015 Rhonda and Teresa facilitated two meetings (one in April and one in May). Membership included representatives from: the Nebraska Commission for the Deaf and Hard of Hearing; Educational Interpreters (Metro; Central NE); Nebraska Association of Special Education Supervisors (central region); Educational Administrators (OPS, LPS); Hands and Voices parent group; NE Association for the Deaf (representing the adult Deaf community); UNO Interpreter Training Program; Boystown EIPA team; Special Education Advisory Council; Teachers of D/HH-Western NE; and Nebraska's Regional Programs for D/HH (Northeast NE).

There was much discussion and consensus building among the representatives. Full consensus was achieved within this writing committee in mid June 2015. One of the primary issues was making sure that current educational interpreters could continue to work. This issue is addressed in the proposed Rule changes under section 10.06A2.

Proposed Rule 51 Changes (see attachment)

10.06A The writing committee realized that Rule 51 was silent on language regarding the educational interpreters having a high school diploma or higher. We did have discussions about requiring an AA or BA, but came to consensus on the high school diploma or higher. The committee wants to stress that the role of the educational interpreter is a professional job, but sometimes amount of responsibility is not considered on pay scales/work ethics/roles of this position. It was determined that many supporting evidence based practices can be included in a TA Document. Members of this committee will also assist NDE with revision of the current TA Document specific to Educational Interpreters once the Rule revision process is completed.

10.06A1a is the change from 3.5 to 4.0 on EIPA. Note: the committee reviewed the listed assessments and agreed to remove the ACCI (010.06A5)

10.06A2 is the language for "grandfathering". This was by consensus from the committee.

10.06D changes the minimum competency level of 2.5 to 3.0 (No one currently working in Nebraska has a score below 3.0), and increased the number of clock hours of professional development required for those hired below the 4.0 from 30 to 40 hours per year. Some questions regarding paying for cost of educational interpreter training were raised. Currently NDE funds several training opportunities through our Regional D/HH Network, and NDE has set aside some additional funds for supporting more in-depth training in 2016-17. NDE staff will also be working on a plan for development of scope and sequence of training in collaboration with the EIPA team.

10.06F increases the required clock hours of professional development for all interpreters from 20 to 24 hours every two years and includes a breakdown of certain acceptable professional development topics. There were positive comments from school administrators who liked the detail because they are not always aware of what professional development is best for educational interpreters. Thirty hours was proposed originally, but through consensus of the group became 24. Many educational interpreters receive at least 30 or more professional development hours to stay current on their skills, so 24 hours is considered to be the minimum.

NEXT STEPS

- 1) Start sharing this language with stakeholders. Information was shared on the NDE Special Education Monthly Phone Call with local Directors on June 30, and participants were asked to review the proposed language and send any questions/comments to NDE (Teresa or Rhonda). All writing committee members have been encouraged to share this information with the entity they represent.
- 2) Provide a status update to the State Board of Education at the August meeting.
- 3) NDE staff (Rhonda and Teresa) are working to arrange for a large stakeholder group meeting during the week of August 17 using video-conferencing technology for at least 3 sites (western, central and eastern). Information will be shared with SEAC at their September meeting.
- 4) Continue with the rule making process at NDE: State Board, (possibly at September or October meeting) authorizing the Commissioner to set a hearing date; public hearing; State Board approval of revised language in Rule 51; submit to Attorney General and Governor.
- 5) Once Rule 51 has been submitted to the Attorney General, NDE staff will start the work of updating the TA Document specific to Educational Interpreters, using the same writing committee representation or members of that committee.

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TITLE 92
CHAPTER 51

010.06 Educational Interpreters

010.06A In order to be a qualified educational sign language interpreter for the purposes of 92 NAC 51-010.06, an individual must **have a high school diploma or higher, and meet the requirements in 010.06A1 or 010.06A2:**

010.06A1 **Receive a passing score on the EIPA written exam**, and attain and maintain one or more of the following competency levels as measured by the following assessments:

010.06A1a Educational Interpreter Performance Assessment (EIPA), Competency level ~~3.5~~ **4.0** or above

010.06A21b Registry of Interpreters of the Deaf Certification (RID)

010.06A31c National Association of the Deaf (NAD) Competency level 4.0 or above

010.06A41d National Interpreter Certification (NIC)

010.06A5 ~~American Consortium of Certified Interpreters (ACCI) exam~~
~~Competency level 4.0~~

010.06A61e Quality Assurance Screening Test (QAST) Competency level 4.0

010.06A2 have attained a competency level of 3.5 to 3.9 on the EIPA, met the requirements of 010.06 F and been employed as an educational interpreter by a school district or approved cooperative for the previous 2 years on the effective date of this rule.

010.06B Subject to the exceptions in 92 NAC 51-010.06C, and 010.06D, school districts and approved cooperatives shall ensure that all sign language interpreters employed by such districts or approved cooperatives to provide special education services are qualified educational sign language interpreters who meet the competency requirements in 92 NAC 51-010.06A.

010.06C If the school district or approved cooperative is unable to find a qualified educational sign language interpreter who meets the requirements of 92 NAC 51-010.06A, the school district or approved cooperative may employ for up to one year an interpreter who has received a "Skills at or above the required level" or a "Hire with Caution" on the EIPA pre-hire screening.

010.06D If a school district or approved cooperative is unable to find a qualified educational sign language interpreter who meets the requirements of 92-NAC 51-010.06A, the school district or approved cooperative may employ for up to two school years, an interpreter who demonstrates the minimum competency level of ~~2.5~~ **3.0** on the EIPA, NAD or QAST. The school district or approved cooperative must require that the interpreter participate in a professional development plan designed to improve his or her skills and enable him or her to become a qualified educational sign language interpreter within two school years. The plan shall include at least ~~30~~ **40** clock hours of training in interpreting per year (August 1 to July 31). The plan shall be approved by the

school district or approved cooperative. The school district or approved cooperative must require that the interpreter attain one or more of the competency levels in 92 NAC 51-010.06A within two school years of employment.

010.06E If an interpreter does not achieve the required competency levels within the time periods as specified in 92 NAC 51-010.06D, the district or approved cooperative must reopen the position and seek a qualified educational sign language interpreter.

010.06F School districts and approved cooperatives shall require that all sign language interpreters employed by the districts or approved cooperatives to deliver special education services submit evidence to the district or approved cooperative of having obtained ~~20-24~~ clock hours of ~~educationally-related~~ professional development every two years (August 1-July 31). This should include at least 18 hours of training related to sign language interpreting. The remaining 6 hours of training can be in any of the following areas: history, psychology and sociology of the Deaf and hard of hearing; child development; language development; curriculum development; methods of instruction; interpreting for students who are deaf-blind; legal and ethical issues for educational interpreters

010.06G If a sign language interpreter cannot provide the evidence required in 92 NAC 51-010.06F of the professional development, the school district or approved cooperative shall require that the sign language interpreter be retested and achieve the applicable competency level specified in 92 NAC 51-010.06A, 010.06C, or 010.06D.

010.07 Notwithstanding any other individual right of action that a parent or student may maintain under this Chapter, nothing in this section or Chapter shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a school district or approved cooperative employee to meet IDEA 2004 criteria or to prevent a parent from filing a complaint about staff qualification pursuant to Section 009 of this Chapter.