

HOUSE BILL REPORT

SSB 5142

As Passed House:
April 5, 2017

Title: An act relating to educational interpreters.

Brief Description: Concerning educational interpreters.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kuderer, Rolfes, Palumbo, Billig, Pedersen, Mullet, McCoy, Keiser and Wellman).

Brief History:

Committee Activity:

Education: 3/13/17, 3/23/17 [DP].

Floor Activity:

Passed House: 4/5/17, 94-3.

Brief Summary of Substitute Bill

- Allows educational interpreters who have not successfully achieved the applicable performance standard required by the Professional Educator Standards Board to provide or continue providing interpreter services to students for delineated periods of time if certain requirements are met.
- Modifies provisions governing the inapplicability of the educational interpreter performance standards to other sign systems or languages.
- Establishes definitions for "interpretation" and "transliteration" in provisions governing educational interpreters.
- Requires the Office of the Superintendent of Public Instruction, by December 1, 2017, to submit a report to the education committees of the Legislature regarding costs, associated timelines, and the feasibility of conducting or contracting for a peer review of the Educational Signed Skills Evaluation.
- Includes an emergency clause making all provisions effective immediately.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

Staff: Ethan Moreno (786-7386).

Background:

Legislation adopted in 2013 (i.e., Substitute House Bill 1144, enacted as Chapter 151, Laws of 2013) directed the Professional Educator Standards Board (PESB) to adopt standards for educational interpreters and to identify and publicize educational interpreter assessments that meet specified requirements.

As defined in statute, an "educational interpreter" is a school district employee, whether certificated or classified, who provides sign language translation and further explanation of concepts introduced by the teacher for students who are deaf, deaf-blind, or hearing impaired.

An "educational interpreter assessment" is defined in statute as an assessment that includes both a written assessment and a performance assessment, is offered by a national organization of professional sign language interpreters and transliterators, and is designed to assess performance in more than one sign system or sign language.

The 2013 legislation also directed the PESB to establish a performance standard for each educational interpreter assessment, defining what constitutes a minimum assessment result, and specified that by the beginning of the 2016-2017 academic year, all educational interpreters employed by school districts must have achieved the established performance standards.

In accordance with a workgroup-based process, the PESB adopted two options for educational interpreter assessments and performance standards:

- the Educational Interpreter Performance Assessment (EIPA) with a minimum score of 3.5 and the EIPA written test with a passing score; or
- the National Interpreter Certification from the Registry of Interpreters for the Deaf and the EIPA written test with a passing score.

The PESB has not authorized the use of the Educational Signed Skills Evaluation (ESSE) in Washington.

The performance standards of the PESB do not apply to educational interpreters employed to interpret a sign system or sign language for which no educational interpreter assessment has been identified by the PESB.

Summary of Bill:

An educational interpreter who has not successfully achieved the performance standard required by the PESB may provide, or continue providing educational interpreter services to students for one calendar year after receipt of his or her most recent educational interpreter

assessment results, or 18 months after completing his or her most recent educational interpreter assessment, whichever period is longer. Persons wishing to continue providing interpreter services in accordance with this provision must demonstrate, to the satisfaction of the employing school or school district, ongoing efforts to successfully achieve the required performance standard. Schools and districts, in determining whether an educational interpreter has satisfactorily demonstrated ongoing efforts to successfully achieve the performance standard, may consult with the PESB.

Provisions governing the inapplicability of the educational interpreter performance standards for other sign systems or languages are modified. The standards do not apply to educational interpreters employed to interpret a sign system or sign language, including non-signing interpretation such as oral interpreting, computer-assisted real time captioning, and cued speech transliteration, for which an educational interpreter assessment either does not exist or, as determined by the PESB, is not capable of being evaluated by the PESB for suitability as a performance standard in Washington.

New definitions are established in provisions governing educational interpreter requirements. "Interpretation" is defined as conveying one language in the form of another language, and "transliteration" is defined as conveying one language in a different modality of the same language.

By December 1, 2017, the Office of the Superintendent of Public Instruction (OSPI) must submit, to the education committees of the House of Representatives and the Senate, a report evaluating the costs, associated timelines, and feasibility of conducting or contracting for a peer review of the ESSE.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Educational interpreters who have not been successful in passing the EIPA will not be able to be in classrooms next year. This bill seeks to fix this immediate issue by providing an extension for these interpreters. The bill allows the interpreters to wait for their EIPA scores and gives them additional time to retake the assessment. The bill does not reduce standards for interpreters and seeks to prevent issues that would inhibit qualified classroom educators. This bill will provide assurances to people who work with deaf and hard of hearing students every day.

Students need educational interpreters, but it can be difficult to find and hire qualified interpreters who have passed the EIPA. As a result, interpreters are occasionally hired at a higher cost to schools from external agencies. Allowing interpreters to continue interpreting while awaiting their results from the required assessments, or to allow interpreters who are close to passing the assessment to work for a limited amount of time and improve skills, will

help to meet students' needs. School districts need interpreters that match the language skills of the students.

The use of Signing Exact English (SEE) conveys the exact message that is spoken, in English, and helps students make linguistic connections and improve literacy. It is also generally helpful for students and can help motivated interpreters create successful students. American Sign Language (ASL) and SEE differ, and it may be necessary to have two separate evaluation systems for interpreters. The SEE is a manual code system, the sign system for English, while ASL is a conceptual language that requires an understanding of the context and appropriate concepts. The Legislature should look into the costs and considerations of establishing an ESSE assessment.

This bill is a technical fix that fixes the problems associated with the time it takes for an educational interpreter to receive their assessment results. There are not enough interpreters, and if the state does not allow veteran interpreters to continue interpreting while they are waiting for their assessment results, or while they climb the last hurdle, it will be crippling to schools. School districts are stuck between having to provide interpreters and not being able to find them.

A workgroup convened during the 2016 interim worked hard to develop this legislation. The work done on this bill by the House of Representatives and Senate is supported. Districts must hire SEE interpreters for their students, but the EIPA does not appropriately assess the skills of these highly-skilled interpreters. The OSPI provisions in the bill will provide needed data regarding an alternate assessment, but the standards for educational interpreters should remain high.

In Washington, deaf interpreters must pass an assessment to work as educational interpreters. This requirement has strengthened one sign language, but not the other, as SEE interpreters are having difficulty passing the non-written part of the assessment required by the PESB. This bill will help to keep interpreters in their positions and will help policymakers and stakeholders obtain information about an additional option for assessing interpreters.

(Opposed) The Legislature needs to hold educational interpreters and school districts accountable, but this bill will not do so. Language deprivation can occur if students' needs are not properly met. Unqualified interpreters are in schools, but they should not be allowed to continue interpreting. If a person cannot pass the assessment required of educational interpreters after three or four attempts, that person should pursue another field. Schools need to have qualified interpreters now, the education of the students cannot wait and should focus on bringing those people into schools. The Legislature should not be wasting resources on evaluating other standards.

Persons Testifying: (In support) Representative Stambaugh; Elizabeth Carol-Hayden; Kevin Seal; Jen Morris; Peggy Mayer, Northwest School for the Deaf and Hard-of-Hearing; Lily Codega-Wilson, Teamsters Joint Council 28; and Lucinda Young, Washington Education Association.

(Opposed) Laura Gramer; and Michael Thompson.

Persons Signed In To Testify But Not Testifying: None.