

HOUSE BILL REPORT

HB 2221

As Reported by House Committee On:
Human Services, Youth, & Early Learning

Title: An act relating to establishing a work group to address the shortage of qualified and certified American sign language interpreters and protactile sign language interpreters in the state of Washington.

Brief Description: Establishing an American sign language and protactile sign language interpreter work group.

Sponsors: Representatives Orwall, Santos, Reeves, Donaghy and Davis.

Brief History:

Committee Activity:

Human Services, Youth, & Early Learning: 1/19/24, 1/26/24 [DPS].

Brief Summary of Substitute Bill

- Directs the Office of the Deaf and Hard of Hearing within the Department of Social and Health Services to establish a work group dedicated to finding solutions to address shortage of qualified and certified American Sign Language interpreters and Protactile interpreters.

HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Senn, Chair; Cortes, Vice Chair; Rule, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan, Dent, Goodman, Ortiz-Self and Taylor.

Minority Report: Do not pass. Signed by 1 member: Representative Walsh.

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

Staff: Omeara Harrington (786-7136).

Background:

Office of the Deaf and Hard of Hearing.

The Office of the Deaf and Hard of Hearing (ODHH) within the Department of Social and Health Services administers several statewide programs that provide a range of services for deaf, deafblind, deafdisabled, hard of hearing, late deafened, and speech disabled individuals, their families, and service providers. The ODHH also reviews and advocates for policy reform to ensure that the state's public policies are accessible and compliant with the Americans with Disabilities Act. Program services through the ODHH include access to various technologies, trainings, consultations, contract management, information, referrals, and resources.

American Sign Language Interpreters.

Federal and state civil rights laws prohibit discrimination based on the presence of any sensory, mental, or physical disability, among other bases. Under the federal Americans With Disabilities Act, state and local governments must provide people with disabilities an equal opportunity to benefit from all of their programs, services, and activities.

Washington government agencies provide sign language interpreters and communication facilitators upon request to individuals who are deaf, deafblind, or hard of hearing. The state has a master contract for sign language interpreter services and sign language interpreter referral agencies. The ODHH works in cooperation with the Department of Enterprise Services to oversee the sign language interpreter services contract, and monitors compliance, service quality, and interpreter certification. Additionally, courts are statutorily directed to obtain certified American Sign Language interpreters through the ODHH or other community center referral service. The ODHH maintains a list of approved interpreters for utilization by the courts.

Summary of Substitute Bill:

The ODHH is directed to establish a work group dedicated to finding solutions for the shortage of qualified and certified American Sign Language (ASL) and Protactile interpreters in the state.

Work Group Membership.

The ODHH must appoint the following members to the work group:

- at least two deaf or hard of hearing users of ASL with lived experience using sign language interpreters, from four designated regions of the state;
- at least two deafblind users of Protactile who are state residents with lived experience using interpreters;
- two representatives from community-based organizations that represent deaf and hard

- of hearing users of ASL;
- two representatives from a community-based organization that represent the deafblind community, at least one of which must be from an organization that serves a culturally diverse population;
- one representative from a business or organization that provides ASL or Protactile interpreters to organizations;
- at least one ASL interpreter certified by the registry of interpreters for the deaf who is a state resident with at least 10 years of experience as a professional certified interpreter;
- at least one ASL or Protactile interpreter who is deaf or hard of hearing, a state resident, and has at least 10 years of experience as a deaf interpreter and a history of high quality interpreting;
- one teacher of ASL interpreting or Protactile interpreting who is deaf or hard of hearing; and
- two representatives of higher education institutions, one from a four-year state university and one from a community or technical college.

A majority of the work group must be deaf, deafblind, and hard of hearing residents who use ASL or Protactile. Recruitment of work group members from the community must prioritize residents who have a history of leadership and advocacy on behalf of deaf, deafblind, and hard of hearing people, and qualified individuals from historically marginalized populations.

Work Group Goals.

Goals for the work group are outlined. Desired outcomes of the work group are that:

- deaf, deafblind, and hard of hearing residents who use ASL and Protactile have access to qualified and certified interpreters whenever needed, and have access to interpreters that match their cultural and linguistic preferences, especially those residents from historically marginalized populations;
- ASL and Protactile interpreters in the state meet a satisfactory standard of quality interpreting, to ensure equitable access to communication from all interpreters;
- at least one high quality postsecondary interpreter training program is established that is accredited and prepares interpreters to meet the standards of the registry of interpreters for the deaf;
- ASL and Protactile interpreters have access to more employment and continuing education opportunities and equitable wages, and are incentivized to live and work in the state;
 - postsecondary students in the state are incentivized to join interpreter training programs; and
- barriers are eliminated that prevent deaf, deafblind, and hard of hearing residents from using and accessing interpreters when they desire.

Work Group Requirements.

Research and reporting requirements for the work group are outlined. The work group must:

- collect qualitative and quantitative data on the causes of the sign language interpreter shortage in the state and the impact of the shortage on deaf, deafblind, and hard of hearing residents;
- identify community-based solutions that can be undertaken by residents and organizations to increase the number of interpreters who live and work in their home regions, retain interpreters, and provide continuing education, mentorship, and training opportunities for their local interpreters;
- establish criteria or testing, as determined by deaf, deafblind, and hard of hearing sign language stakeholders, that demonstrates that sign language interpreters have the needed skills to ensure quality and accurate services, and identify investments needed to increase the training and credentialing necessary to prepare interpreters to meet the criteria and testing;
- recommend legal standards for ASL and Protactile interpreters to ensure the quality of professional interpreters, while ensuring those standards are accessible to all aspiring interpreters regardless of disability, income, geographic location, and other potential limiting factors;
- determine the strategies and resources needed to: increase the availability of ASL and Protactile interpreters in all communities, including rural communities; increase the number of interpreters from identified historically marginalized populations; increase the availability of trilingual interpreters who are proficient in ASL, English, and another language; increase the availability of quality continuing education and professional development, including professional mentorship opportunities for new and emerging interpreters; and ensure that interpreters can afford to live and work in the state; and
- identify methods for: establishing at least one high quality postsecondary interpreter training program for ASL and Protactile interpreters; providing financial incentives for agencies that provide ASL and Protactile interpreters to implement mentorship and internship programs for emerging interpreters; providing financial incentives from the state to encourage sign language interpreters to live and work in the state, such as grants, home-buying support, and other incentives; providing financial support for organizations to provide sign language interpreters to their deaf, deafblind, and hard of hearing constituents; and increasing the pay rate of sign language interpreters hired and contracted by state agencies and agency contractors.

The work group must prioritize the voices of deaf, deafblind, deafdisabled, hard of hearing, and late-deafened individuals who use ASL or Protactile. The work group must also prioritize the needs of other populations that have been historically marginalized.

All state agencies, offices, institutions, and contractors impacted by the interpreter shortage are required comply with requests for data from the work group within two months of the request.

Work Group Report.

The work group must provide its research findings and related recommendations in a report

to the Governor and the Legislature on or before June 30, 2025. The report must include an implementation plan for its recommendations and must also identify any barriers that would be created by implementation of the recommendations, including reluctance to provide interpreters because of increased interpreter wages, lack of quality interpreting providers, and lack of quality interpreters in a certain region.

The DSHS must advertise the final report and make it available to deaf, deafblind, and hard of hearing stakeholders. In addition to a written report, the DSHS make the final report available through videos using ASL on publicly available websites on or before August 30, 2025.

Substitute Bill Compared to Original Bill:

The substitute bill makes several changes: references to "protactile sign language" are changed to "Protactile"; references to "deaf and blind" are changed to "deafblind"; and a reference to "deaf and disabled" is changed to "deafdisabled."

The work group membership is modified to add two representatives of higher education institutions: one from a four-year state university and one from a community or technical college. The number of work group members from community-based organizations representing the deafblind community is increased from one to two and at least one must be from an organization serving a culturally diverse population. The list of historically marginalized populations that must be prioritized in work group recruitment is expanded to add immigrants and refugees, transgender and nonbinary individuals, members of the LGBTQIA community, individuals with multiple disabilities, and other underserved populations.

The work group must determine strategies and resources needed to increase the availability of trilingual interpreters who are proficient in ASL, English, and another language. It is specified that the work group's requirement to identify methods of increasing the pay rate for interpreters hired by agencies and contractors refers to state agencies and contractors.

The emergency clause is removed.

Appropriation: None.

Fiscal Note: Requested on January 11, 2024.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is about equity and access. There are 250,000 people in the state who are deaf and hard of hearing. Meanwhile, there is an extreme lack of interpreters, with just over 400 in the state. The work group in the bill will look at the landscape of the state, address shortages, and develop recruitment strategies. Data collection is important in order to identify ways to address the problem. For interpreters, demand far outstrips supply. Interpreters sometimes fly across the state and work in rural areas without support. Burnout and injury are risks for overworked interpreters. Interpreters are leaving the state due to high cost of living, and about half of the qualified interpreters in the state have chosen to work with one designated client, which also contributes to the shortage. Without system changes these problems will continue.

There is a gamut of deaf, deafblind, and deafdisabled people, who all should be supported. People who can communicate within their deaf communities cannot communicate outside those circles without interpreting. The lack of interpreter access has widespread ramifications. It impacts access to healthcare, the legal system, and many other services. It deprives access to education, and children who have individualized education programs that include ASL interpreting have fallen behind in school due to inconsistent or absent interpreters and lack of quality control. Parents who are deaf are unable to talk to their children's teachers. It is challenging for deaf artists to access artistic opportunities and for deaf people to participate in cultural events like film and theater festivals. Professionals have to frequently cancel meetings, and are unable to interview for jobs if an interpreter cannot be secured. Captioning services are insufficient because it is not possible to read the captions and see the expressions of the speaker. The scarcity of interpreters also makes it hard for people who are deaf to have their voices heard, as evidenced by how difficult it was to secure interpreters for this hearing. People who are both blind and deaf have even more serious difficulties with communication and may use Protactile language; however, there are few interpreters who specialize in Protactile. There should be enough interpreters that a person can find an interpreter who matches their needs, particularly when an interpreter is needed in sensitive or gender-specific situations.

Some amendments should be made to expand the work group to include other stakeholders, such as higher education institutions that may be interested in starting interpreter programs. Central Washington University offers a Bachelor of Arts in deaf and sign language studies. Western Washington University was given funding to institute a program, but this has been delayed due to the pandemic. Higher education institutions are ready to meet this workforce and accessibility need. The lack of sufficient college training programs contributes to the complexity of the problem. Interested people are diverted to other states or other fields.

(Opposed) None.

Persons Testifying: Representative Tina Orwall, prime sponsor; David Poland; Cynthia Stewart, Hearing Loss Association—Washington; Brett Gramer; Laura Gramer; Angela Theriault, DeafBlind Services Center; Patty Liang, Deaf Spotlight; Anna Mansell

Karagiannis; Ariele Belo, Hearing, Speech and Deaf Center; Whitney Hill; Earnest Covington, Washington Office of Deaf and Hard of Hearing; Steve DuPont, Central Washington University; and Nora Selander, Western Washington University.

Persons Signed In To Testify But Not Testifying: None.