

# HOUSE BILL REPORT

## HB 1303

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to educational interpreters.

**Brief Description:** Concerning educational interpreters.

**Sponsors:** Representatives Stambaugh, Bergquist, Stokesbary, Stonier, Muri, Young and Senn.

**Brief History:**

**Committee Activity:**

Education: 1/31/17, 2/9/17 [DPS].

### 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.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member;

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*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.*

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.

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**Summary of Substitute 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.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes a provision specifying that persons wishing to continue providing educational interpreter services in accordance with the underlying bill must demonstrate to the satisfaction of the PESB ongoing efforts to successfully achieve the required performance standard, and replaces it with a provision authorizing schools and districts to consult with the PESB when determining whether an interpreter has satisfactorily demonstrated ongoing efforts to successfully achieve the performance standard.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) Similar legislation was considered by the committee last year, but the division between the supporters and opponents was intense. During the interim, legislators worked

with a diverse set of stakeholders to produce a bill that is an attempt at a solution and a good compromise. Washington requires the EIPA for interpreters who are working in the classroom, but there are difficulties associated with meeting this standard when they are already working in the classroom, including that the assessment is scored only in Nebraska, and that it takes more than six months to receive a score. The bill allows 12- and 18-month extensions for meeting required standards, an extension that is important for keeping interpreters in the classrooms.

Sign language includes multiple modes, and there are differences between the modes, including differences in sentence structure and meanings. The bill includes a provision requiring the OSPI to conduct a study about a possible peer review option for using an assessment for Signing Exact English (SEE). Parents can currently choose to have an American Sign Language (ASL) interpreter or a SEE interpreter in the classroom. The study seeks the advice of the OSPI to make sure that we are serving the students with the proper interpreter that meets their needs. This bill helps students to receive the proper interpretation in the classroom without changing how the PESB performs its assessment and certification duties.

Many people do not realize that there are different sign language system modalities. Under SEE, words are signed in the same word order with appropriate tense and conjunction. In contrast, ASL is its own language; it has its own sentence structure, and it does not have a written component. Interpreter testing is very important—every student is entitled to a qualified interpreter in their own language. The EIPA does not fairly or accurately represent SEE, but interpreters are told to use an ASL test to demonstrate competency in SEE.

Only 30 percent of kids that go into college signing ASL will graduate, but 67 percent of the kids who use SEE will graduate because their first language is English, and they understand the grammar. Students deserve to be taught with an interpreter in the language they are familiar with.

At the Northwest School for Deaf and Hard-of-Hearing Children, all staff use SEE to help the students develop the academic skills they need to be successful. The EIPA uses a manual code for English that is not the same manual code that the students use. The ESSE was developed by the people who wrote the code for English that the school uses. For 20 years, administrators could use the ESSE to hire interpreters. Now the school is being asked to use an instrument, by regulation, that is not as effective and does not provide for student needs.

The SEE interpreters help people to better understand what is happening in their lives. The use of SEE can help students avoid exclusion that is due to a lack of understanding about their communication mode. It is very difficult to find true SEE interpreters. There is a value to understanding exactly what is being spoken, and deaf and hard-of-hearing children need qualified SEE interpreters.

The use of a SEE interpreter for their education can allow students to have academic success in mainstream schools. Without SEE, students miss a lot of information. Schools have not wanted to hire SEE interpreters, but ASL interpreters can be a barrier to learning.

The bill allows administrators to retain their interpreters while the interpreters have a grace period to achieve the required performance standard. Students who use SEE are a minority and are being discriminated against.

The EIPA grading process causes severe difficulty for interpreters and schools because it takes six months to receive a score. The written part of the test is not the problem, but the performance part is problematic. Districts are using mentors for interpreters if the interpreters do not pass the assessment the first time. Our deaf students need to have full access to their learning just as hearing students do, and this bill will help to accomplish that.

Parents with children that use SEE have had difficulties getting the interpreter because qualified interpreters are not easy to find. Today, the Education Committee has two types of interpreters because the users of ASL and SEE cannot understand each other.

The amendment requested by the PESB should be supported. Currently, there are no accurate assessment tools for SEE sign interpreters. Perhaps those tools can be developed in the interim.

(Opposed) None.

(Other) The idea of giving employees more time to reach the required standard should be supported. This bill is a compromise. The PESB is hoping to have a friendly amendment to clarify whether the PESB is being asked to create a verification system, or to simply advise districts. The bill is a workable solution, and that is why there is not the opposition that existed for previous educational interpreter bills.

**Persons Testifying:** (In support) Representative Stambaugh, prime sponsor; Terry Taylor, Peggy Mayer, Erica Davido, Zoey Wolfe, Rita Blood, and Lynessa Cronn, Teamster Joint Council; Lucinda Young, Washington Education Association; Kimberly Chapman; and David Chapman.

(Other) Doug Nelson, Public School Employees of Washington; and David Brenna, Professional Educator Standards Board.

**Persons Signed In To Testify But Not Testifying:** None.