

SENATE BILL REPORT

SB 5142

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 14, 2017

Title: An act relating to educational interpreters.

Brief Description: Concerning educational interpreters.

Sponsors: Senators Kuderer, Rolfes, Palumbo, Billig, Pedersen, Mullet, McCoy, Keiser and Wellman.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/06/17, 2/14/17 [DPS].

Brief Summary of Substitute Bill

- Allows educational interpreters who have not successfully achieved the performance standards required by the Professional Educator Standards Board to provide or continue providing interpreter services for a limited time.
- Requires the Office of the Superintendent of Public Instruction to submit a report to the Legislature on the costs, timelines, and feasibility of conducting a peer review of the Educational Signed Skills Evaluation.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass.

Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

Staff: Alia Kennedy (786-7405)

Background: In 2013, the Legislature 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.

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.

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 PESB to establish a performance standard for each educational interpreter assessment, defining what constitutes a minimum assessment result, and specifying that beginning in 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, 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 a passing score on the EIPA written test; or
- the National Interpreter Certification from the Registry of Interpreters for the Deaf and the EIPA written test with a passing score.

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

The performance standards adopted by 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 PESB.

Summary of Bill (First Substitute): An educational interpreter who has not successfully achieved the performance standard required by PESB may provide or continue providing educational interpreter services to students for one calendar year after receipt of their most recent educational interpreter assessment results, or 18 months after completing their most recent educational interpreter assessment—whichever period is longer. Educational interpreters wishing to continue providing interpreter services must demonstrate to the satisfaction of the employing school or school district, ongoing efforts to successfully achieve the required performance standard. In making a determination as to whether an educational interpreter has demonstrated satisfactory ongoing efforts to successfully achieve required performance standards, the employing school or school district may consult with 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 PESB, is not capable of being evaluated by PESB for suitability as a performance standard in Washington.

New definitions are established for 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 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.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- 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 PESB, ongoing efforts to successfully achieve a required performance standard.
- Authorizes schools and districts, in making a determination as to whether an educational interpreter has demonstrated to the satisfaction of the school or the district, ongoing efforts to successfully achieve a required performance standard, to consult with the PESB.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The intent of this legislation is to keep signing interpreters in the school where deaf students need them by giving them additional time to pass required assessments. The bill does not change the assessment standards created by the Professional Educator Standards Board. The additional time is particularly important for individuals who provide signing exact English because those individuals tend not to pass the approved assessment right out of the gate. The Educational Signed Skills Evaluation is not a state approved test because it has not been validated. There are a lot of challenges in terms of getting information in the classroom. When there is an intermediary then there is a loss of information, which is why students who are deaf or hearing impaired need qualified interpreters. This bill works toward the overall goal of providing the best possible education for students, including deaf students. The bill is good for all interpreters. The Educational Interpreter Performance Assessment is difficult to pass, with only 40 percent passing the first time, and has a six-month wait time for evaluation results, which puts school districts in a compromising position. National data indicates that most people who take it a second time pass. The two tests approved by the Professional Educators Standards Board are not sufficient for assessing skill level in sign exact English.

An assessment for sign exact English is needed to ensure deaf and hard of hearing students have access to skilled interpreters. State approved assessments require both a written and performance test, and the performance test can be challenging for individuals who are interpreters at the elementary school level but are being assessed on high school level words.

OTHER: The Professional Educator Standards Board is happy to serve as an adviser to schools but does not want to build a verification system to track interpreters who have not met assessment standards.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Peggy Mayer, Northwest School for the Deaf; Barb Luetke, Interpreter; Lily Wilson-Codega, Washington Teamsters Joint Council No. 28; Lucinda Young, Washington Education Association; Doug Gill, Office of the Superintendent of Public Instruction.

OTHER: David Brenna, Professional Educator Standards Board.

Persons Signed In To Testify But Not Testifying: No one.