
**Human Services, Youth, & Early
Learning Committee**

HB 2221

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

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

Brief Summary of Bill

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

Hearing Date: 1/19/24

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.

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.

American Sign Language (ASL) 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 ASL 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 Bill:

The ODHH is directed to establish a work group dedicated to finding solutions for the shortage of qualified and certified ASL interpreters 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 deaf and blind 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;
- one representative from a community-based organization that represents the deaf and blind community;
- one representative from a business or organization that provides American sign language 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; and
- one teacher of ASL interpreting or Protactile interpreting who is deaf or hard of hearing.

A majority of the work group must be deaf, deaf and blind, 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, deaf and blind, and hard of hearing people, and qualified individuals from historically marginalized populations, including black, indigenous, and other people of color.

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

- deaf, deaf and blind, 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, deaf and blind, 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, deaf and blind, 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, deaf and blind, 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 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;

- 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, deaf and blind, and hard of hearing constituents; and increasing the pay rate of sign language interpreters hired and contracted by agencies and agency contractors.

The work group must prioritize the voices of deaf, deaf and blind, deaf and disabled, hard of hearing, and late-deafened individuals who use ASL or Protactile. The work group shall 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, deaf and blind, 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.

Appropriation: None.

Fiscal Note: Requested on January 11, 2024.

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