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State of Minnesota
State Board of Education

Statement of Need and Reasonableness

*In the matter of Proposed Rules Relating to Certification of Skilled School Interpreters/
Translitterators for the Deaf and Hard of Hearing
Minnesota RulesChapter*

I. BACKGROUND

There has never been a competency based certification system for school interpreters/translitterators of the Deaf or Hard of Hearing in Minnesota Public Schools. Historically, interpreters/translitterators have walked into Minnesota Public Schools with little experience and skill and have been hired. Most often, Minnesota Public Schools have no one available on the hiring team to determine if the person they are interviewing has the knowledge and skills necessary to interpret or transliterate for Deaf/Hard of Hearing learners.

Interpreting is a profession that has grown in large part due to legislation. Public Law 94-142 made it possible for deaf and hard of hearing learners to attend their local schools. As a result, educational programs are one of the largest employers of interpreters/translitterators in the U.S. In Minnesota, public schools employ approximately 409 interpreters/translitterators.

Legislation has required accountability and reform. In 1988, a national report, "Toward Equality-Education of the Deaf", clearly sent the message that there was need for reform and accountability in educating deaf and hard of hearing learners. There were 52 recommendations for improving the quality of education for the deaf and hard of hearing. One of the recommendations dealt directly with "...encouraging states to establish and maintain standards to ensure that interpreters are adequately prepared, trained and evaluated."

The Minnesota Association of Deaf Citizens (MADC) responded to the national report by contacting their legislators and expressing their concern with the quality of education for deaf and hard of hearing learners. They collaborated with a variety of agencies to successfully convince the legislators of a need for standardization and certification of school interpreters serving deaf and hard of hearing learners.

Minnesota legislature responds to the needs expressed by the Deaf Community . In 1994, the Minnesota legislators called for a study. The study was to answer questions about the availability and cost of training and certifying school interpreters/translitterators. This study was

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completed and presented to the Minnesota State Board of Education in January 1995 and presented to the Legislature during the 1995 session.

The 1994 legislature further mandated that the State Board of Education along with the State Board of Teaching, Interpreter / transliterator training programs, The Minnesota Resource Center:Deaf/Hard of Hearing, The Minnesota Registry of Interpreters for the Deaf, The Minnesota Association of Deaf Citizens, The Minnesota Commission Serving Deaf and Hard of Hearing People, and the Deaf and Hard of Hearing Division of the Department of Human Services develop and adopt a competency based certification system for school interpreters and transliterators of the Deaf and Hard of Hearing.

The above stakeholder group meet several times and concurred that the National Standards for Interpreters/Transliterator of the Deaf/HH (discussed later) meet the expectations and needs of deaf and hard of hearing learners in Minnesota.

Several other options were considered (i.e...Florida's state certification of interpreters program....) But critical weaknesses were found.The group concluded after extensive research and attempts to create our own system (these requirements would far exceed the national standards!) that the national standards were the minimum requirements acceptable to the whole group or state levels of these national tests. These national tests were created by interpreters/transliterator and are standards acceptable to interpreters/transliterator.

II. NATIONAL TESTS

A. Registry of Interpreters for the Deaf (RID) Certification. Test developed by Interpreters for Interpreter certification at a national level. The cost to develop and have this test analyzed was more than \$500,000.00. There are two parts to this test. There is a written part and a performance test. First, the written test must be passed then the applicant is eligible to take the performance test. RID also has additional provisions for Oral Interpreting certification and Certified Deaf Interpreter-Provisional.

Certified RID interpreters are responsible for 90 clock hours of additional training within a three year period to maintain their certification. Otherwise, they need to retake all tests to become certified.

B. National Association of the Deaf (NAD) Program Certification. Test can be administered by a state assessment team. It is available in Minnesota through Minnesota Association of Deaf Citizens (MADC-IAP) or National Association of the Deaf Interpreter Assistance Program (NAD-IAP). There is a 3-step process involved: Screening/Warm-up/Performance Assessment Session. NAD-IAP has 5 levels: Level 1 = novice, Level 2 = novice 2, Level 3 = intermediate, Level 4 = advanced, Level 5 = master. In Minnesota, an interpreter would need to hold a Level 3 NAD-IAP Certificate or MADC/NAD-IAP Certificate or higher.

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C. Training, Evaluation and Certification Unit (TECUnit). This is a national test for Cued Speech Transliterators. This test can be administered at the state level. It is a two part test with both written and performance areas assessed. In Minnesota the Cued Speech Association has trained TECUnit evaluators available.

III. REGULATORY ANALYSIS FOR CERTIFICATION OF SKILLED SCHOOL INTERPRETERS/TRANSLITERATORS OF THE DEAF AND HARD OF HEARING

A. Minn. Stat. 14.131 Subpart (1) requires agencies, when preparing the statement of the need and resonableness of the rule to include a description of the classes of persons who will be affected by the rule.

The proposed rules will benefit licensure applicants, higher education institutions, school districts, communities and students. The rules will benefit all interpreters/transliterators as they will be evaluated on their ability to demonstrate the competencies necessary to be successful as an interpreter/transliterator prior to certification. The rules will benefit higher education by assisting them to do a more thorough job of program development. The rules will benefit school districts and the communities served by requiring applicants to demonstrate the competencies needed to be a successful interpreter/transliterator. The ultimate beneficiaries are the deaf and hard of hearing learners who will receive quality services from qualified interpreters/transliterators.

B. Minn. Stat. 14.131 Subpart (2) requires agencies to include a description of the probable costs to the agency and other agencies of the implementation and enforcement of the proposed rule.

There will be individual costs affected by the proposed rules. Most affected by the proposed rules will be those persons seeking to be certified after these rules become effective. Up to now there were no standards or means to measure skill levels and knowledge of interpreters/transliterators of the deaf and hard of hearing.

There are expected costs to the State of Minnesota. School districts will be reimbursed for the services of those interpreters/transliterators who qualify.

C. Minn.Stat. 14.131 Subpart (3) requires agencies to include a description of whether there are less costly or intrusive methods of achieving the purpose of the rule.

As previously stated, the Ad-Hoc Committee mandated by legislation met several times and thoroughly discussed creating a new system, but felt that it was too costly and unreasonable to create a new system when several were already in place. The Ad-Hoc Committee explored what other states were doing and rejected other state plans because they were found to be lacking components deemed by the committee as being critical. The committee resolved this by exploring national tests and found them to meet the criteria the committee felt was needed for Minnesota.

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D. Minn. Stat. 14.131 Subpart (4) requires agencies to include a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

Alternate methods of achieving the purpose of proposed rules were reviewed. The Ad-Hoc Committee explored the option of creating our own state competency test. The ad-hoc group could not create an acceptable one and chose not to use the other state developed tests as there were significant gaps.

E. Minn. Stat. 14.131 Subpart (5) requires agencies to include a description of probable costs of complying with the rule.

Costs to an applicant will range from \$150 to \$600 depending on which test is taken.

State funds on a project basis have been utilized to:

- . train and establish a MADC/NAD-IAP Team that would be self-sufficient
- . train 2 evaluators in TECUnit
- . purchase the necessary testing equipment so testing could occur in Minnesota for cued speech transliterators
- . allow for the development of a book that helps prepare individuals in taking the RID tests. This book is available in several locations to be borrowed at no cost to the interpreter/transliterator.
- . set up a program at the University of Minnesota to allow interpreters to "graduate" from a program.

School districts will be reimbursed when they hire "qualified" interpreters. This is not a new cost as districts are now reimbursed. (It would only be a new cost if salaries increased due to certification.)

F. Minn. Stat. 14.131 Subpart (6) requires agencies to include an assessment of any differences between the proposed rule and existing federal regulations.

There are no federal regulations on Interpreters/Transliterator for Deaf/Hard of Hearing so, therefore, an assessment on the differences is moot.

IV. DETAILED STATEMENT OF NEED AND REASONABLENESS BY SUBPART

PURPOSE

The purpose of _____ to _____ is to establish statewide standards that define what Minnesota School Interpreter/Transliterator for the Deaf and Hard of Hearing must demonstrate in order to work in Minnesota's public schools with learners who are deaf or hard of hearing.

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SCOPE

Parts to Govern the standards that Minnesota public schools must require for an interpreter/transliterater who works with a deaf or hard of hearing learner.

DEFINITIONS

Definitions are needed to assist the reader with clarity of meaning for terms as they are used in the proposed rule.

**STATE INTERPRETER/TRANSLITERATOR OF THE DEAF/
HARD OF HEARING**

Subpart 1. To be eligible for special education reimbursement for the employment of ASL/English Interpreter/Transliterater or Cued Speech Transliterater, the School Board in each district shall employ persons who meet the requirements specified in Subpart 2 or 3.

In the past, there were no standards for interpreters/transliteraters for the deaf/hard of hearing. Now, school boards will be able to ask for certification which will be proof of skills and knowledge. Special Education will only reimburse those school boards that employ "qualified" persons.

Subpart 2. To qualify as a Sign Language Interpreter/Transliterater, a person shall (a) obtain an interpreter and transliterater certificate awarded by RID, or general level proficiency certificate awarded by NAD (Level 3), and (b) complete a training program affiliated with an accredited educational institution.

The national tests are reasonable because they require interpreters/transliteraters to demonstrate the skills and knowledge that they need to do an effective job. Some of these national tests have tests that can be given at the local level but are the same test. For example, NAD-IAP = MADC/NAD-IAP.

Subpart 3. To qualify as a Cued Speech Transliterater, a person shall obtain a current applicable transliterater certificate awarded by the Cued Speech National Certifying Association.

Again, national tests are reasonable because they require transliteraters to demonstrate the skills and knowledge that they need to do an effective job. The national test for cued speech transliteraters is TECUnit. This test can also be given in Minnesota at the local level but is the same test.