



# UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair    David L. Thomas, Vice Chair

Dixie L. Allen  
Kim R. Burningham  
Keith M. Buswell  
Leslie B. Castle  
Barbara W. Corry

Dan Griffiths  
Heather Groom  
Michael G. Jensen  
Jennifer A. Johnson

Jefferson Moss  
C. Mark Openshaw  
Debra G. Roberts  
Terry Warner

Martell Menlove, Chief Executive Officer  
Lorraine Austin, Board Secretary

## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Martell Menlove, Ph.D.  
Chief Executive Officer

**DATE:** June 6, 2014

**ACTION:** R280-203 *Certification Requirements for Interpreters for the Hearing Impaired*  
(Amendment and Continuation)

---

### **Background:**

1. R280-203 *Certification Requirements for Interpreters for the Hearing Impaired* has not been updated since 2003. The rule is amended to provide for changes since 2003.
2. R280-203 *Certification Requirements for Interpreters for the Hearing Impaired* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire on October 23, 2014. Staff has reviewed R280-203 and determined that the rule continues to be necessary.

### **Key Points:**

1. Amendments to R280-203 provide for a new definition and update existing definitions, change the policy and procedures manual to its current title, *The Utah Interpreters Policy and Procedures Manual*, change the revision date, and refer to the policies and procedures manual for professional review of complaints against certified interpreters.
2. R280-203 continues to be necessary because it provides certification qualifications and procedures for governing applications for certification, provisions for a fair and impartial examination of applicants, and procedures for determining unprofessional conduct.
3. Staff proposes minimal changes to this rule, primarily to use the appropriate name of the manual. Staff will propose additional changes in August 2014 or September 2014 following other professional practices changes.

### **Anticipated Action:**

1. It is proposed that the Standards and Assessment Committee consider approving R280-203, as amended, on first reading and, if approved by the Committee, the Board consider approving R280-203, as amended, on second reading.
2. It is proposed that the Standards and Assessment Committee consider approving R280-203 for continuation on first reading, and if approved by the Committee, the Board consider approving R280-203 for continuation on second reading.

**Contact:** Bruce Williams, Associate Superintendent, 801-538-7514  
Russ Thelin, USOR Executive Director, 801-538-7540

1 **R280. Education, Rehabilitation.**

2 **R280-203. Certification Requirements for Interpreters for the**  
3 **Hearing Impaired.**

4 **R280-203-1. Definitions.**

5 A. "Advisory board" means the Interpreters Certification  
6 Board created to assist the Board created by and with the  
7 responsibilities of 53A-26a-201 and 202.

8 ~~[C]~~B. "~~[Signed English,]~~American Sign Language (ALS),  
9 cued speech,~~[American Sign Language (ASL),]~~ and oral  
10 interpreting" are types of alternative communications for  
11 ~~[the]~~ purposes of this ~~[R]~~rule.

12 ~~[D]~~C. "Board" means the Utah State Board of Education.

13 ~~[B]~~D. "Certifi~~cation~~ed [of deaf-]interpreter[s]" means  
14 ~~[the written approval of the Board required of individuals~~  
15 ~~seeking payment for facilitating effective communication~~  
16 ~~between hearing and hearing impaired persons]~~an individual who  
17 provides interpreter services and is certified or qualified as  
18 required by state or federal law.

19 E. "Interpreter services" means services that facilitate  
20 effective communication between a hearing person and a person  
21 who is hearing impaired through American Sign Language or a  
22 language system or code that is modeled after American Sign  
23 Language, in whole or in part, or is in any way derived from  
24 American Sign Language.

25 F. "Policies & Procedures Governing Certification of  
26 Interpreters and Transliterators Manual, 2012 (Manual),"  
27 hereby incorporated by reference under 63G-3-201(7), means the  
28 manual that provides procedures for the certification  
29 examination process, renewal of certification, length of  
30 certification, levels of certification, examination, scoring,  
31 temporary permits, and the disciplinary process for  
32 interpreters in the event of misconduct.

33 ~~[E]~~G. "USOR" means the Utah State Office of  
34 Rehabilitation.

35 **R280-203-2. Authority and Purpose.**

36 A. This rule is authorized by 53A-24-103 which places

37 the USOR under the policy direction of the Board. The Board  
38 is authorized under 53A-1-401(3) to adopt rules and policies  
39 in accordance with its responsibilities.

40 B. The purpose of this rule is to satisfy the directives  
41 of 53A-26a-202(2) including:

42 (1) certification qualifications provided in the [~~UTAH~~  
43 ~~STATE BOARD OF EDUCATION INTERPRETERS AND TRANSLITERATORS FOR~~  
44 ~~THE DEAF CERTIFICATION POLICY AND PROCEDURE MANUAL~~  
45 ~~("INTERPRETERS/TRANSLITERATORS MANUAL")~~, December 2002]Manual;

46 (2) procedures governing applications for certification;

47 (3) provisions for a fair and impartial method of  
48 examination of applicants; and

49 (4) procedures for determining unprofessional conduct by  
50 interpreters[ ~~and~~].

51 [~~(5) conditions and procedures for reinstatement and~~  
52 ~~renewal of certification.~~]

### 53 **R280-203-3. Certification Qualifications.**

54 A. Candidates for certification shall be at least 18  
55 years old.

56 B. Candidates shall pass written and performance  
57 evaluations provided by the Division of Services to the Deaf.

58 C. Candidates shall meet the criteria of 53A-26a-302.

### 59 **R280-203-4. Examination of Applicants for Certification.**

60 [~~Individuals~~]Candidates applying for interpreter  
61 certification shall be tested and rated by the Division of  
62 Services for the Deaf and Hard of Hearing Interpreters  
63 Certification Panel [~~according to procedures established~~  
64 consistent with the [~~INTERPRETERS/TRANSLITERATORS~~  
65 ~~MANUAL~~]Manual.

### 66 **R280-203-5. Unprofessional Conduct.**

67 A. The Manual supplements [∓]the definition of  
68 [∓]unprofessional conduct[∓] provided in 53A-26a-502 [~~shall be~~  
69 ~~supplemented with the definition applied to educators in R277-~~  
70 ~~514-3 and provided~~]is in the [~~INTERPRETERS/TRANSLITERATORS~~

71 ~~MANUAL~~]Manual.

72 B. A complaint alleging unprofessional conduct by a  
73 certified interpreter may be filed under the procedure of  
74 R277-514. The procedure is provided in the  
75 [~~INTERPRETERS/TRANSLITERATORS MANUAL~~]Manual.

76 C. The complaint shall be reviewed by the Commission as  
77 provided for in R277-514-4.

78 D. A member of the advisory board shall assist the Board  
79 in reviewing the recommendation of the Commission, as provided  
80 in 53A-26a-202(3).

81 **R280-203-6. Renewal and Reinstatement.**

82 A. An individual holding an interpreter's certificate is  
83 eligible to have that certificate renewed as provided in the  
84 [~~INTERPRETERS/TRANSLITERATORS MANUAL~~]Manual.

85 B. An individual whose interpreter's certificate has  
86 been suspended or revoked for unlawful or unprofessional  
87 conduct may apply for reinstatement to the Board. The Board  
88 may require the applicant for reinstatement to complete the  
89 procedure for certification or may, upon consultation with the  
90 advisory board, designate the areas of the application process  
91 in which the applicant shall be reviewed.

92 **KEY: certification, interpreters**

93 **Date of Enactment or Last Substantive Amendment: [~~January 3,~~**  
94 **~~2003~~]2014**

95 **Notice of Continuation: [~~October 23, 2009~~]2014**

96 **Authorizing, and Implemented or Interpreted Law: 53A-24-103;**  
97 **53A-1-401(3); 53A-26a-201 and 202**