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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Joel Coleman
Interim Chief Executive Officer

DATE: October 10, 2014

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

Background:

The Board approved R280-203 *Certification Requirements for Interpreters for the Hearing Impaired* as amended and continued on first and second reading on June 6, 2014. Board members expressed concerns about the appeals procedures in the rule and pulled the rule from the consent calendar. The Board's legal counsel reviewed the rule and suggests the addition of language in R280-203-5 to address concerns. Additional minor verbiage changes are made in R280-203-5 for clarification purposes.

Key Points:

New language is added to R280-203-5 stating that the Board designates the procedure outlined in R280-203-5 as an informal adjudicative proceeding, under Section 63G-4-203. Additional minor verbiage changes are made for clarification purposes.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving the additional amendments to R280-203 on second reading and, if approved by the Committee, the Board consider approving the additional amendments to and continuation of R280-203 on third and final reading.

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1 **R280. Education, Rehabilitation.**

2 **R280-203. Certification Requirements for**
3 **Interpreters/Transliterators for the 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 ~~[E]~~B. "~~[Signed English,]~~American Sign Language (ASL),
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. "~~Certified~~ Interpreted ~~[of deaf~~
14 ~~interpreter[s]/transliterators]~~" means ~~[the written approval of~~
15 ~~the Board required of individuals seeking payment for~~
16 ~~facilitating effective communication between hearing and~~
17 ~~hearing impaired persons]~~an individual who provides
18 interpreter/transliterator services and is certified or
19 qualified as required by state or federal law.

20 E. "Hearing impaired or deaf" means a hearing loss which:

21 (1) necessitates the visual acquisition of the language;

22 or

23 (2) adversely affects the acquisition of language and
24 communication but which does not preclude the auditory
25 acquisition of language.

26 F. "Interpreter/transliterator services" means services
27 that facilitate effective communication between a hearing
28 person and a person who is hearing impaired or deaf, such as
29 student to teacher, student to staff and student to peer,
30 through ASL or a language system or code that is modeled after
31 ASL, in whole or in part, or is in any way derived from ASL;
32 or cued speech.

33 G. "LEA" means a local education agency, including local
34 school boards/public school districts, charter schools, and,
35 for purposes of this rule, the Utah Schools for the Deaf and

36 the Blind.

37 H. "Policies & Procedures Governing Certification of
38 Interpreters and Transliterators Manual, 2009 (Manual),"
39 hereby incorporated by reference under 63G-3-201(7), means the
40 manual that provides procedures for the certification
41 examination process, renewal of certification, length of
42 certification, levels of certification, examination, scoring,
43 temporary permits, and the disciplinary process for
44 interpreters/transliterators in the event of misconduct.

45 [E]I. "USOR" means the Utah State Office of
46 Rehabilitation.

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

48 A. This rule is authorized by 53A-24-103 which places
49 the USOR under the policy direction of the Board. The Board
50 is authorized under 53A-1-401(3) to adopt rules and policies
51 in accordance with its responsibilities.

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

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

58 (2) procedures governing applications for certification;

59 (3) provisions for a fair and impartial method of
60 examination of applicants; and

61 (4) procedures for determining unprofessional conduct by
62 interpreters/transliterators [~~+~~ and].

63 [~~(5) conditions and procedures for reinstatement and~~
64 ~~renewal of certification.]~~

65 **R280-203-3. Certification Qualifications and Report to the**
66 **USOE.**

67 A. Candidates for certification shall be at least 18
68 years old.

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

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

72 D. All individuals who provide interpreter/transliterators
73 services to an LEA shall complete a background check, prior to
74 working in an LEA with students, through their employer or an
75 LEA that contracts for the contractor's services.

76 E. An LEA shall identify and report to the USOE
77 individuals, including contractors, who provide
78 interpreter/transliterators services to students for the LEA,
79 annually upon request.

80 F. An LEA shall identify and report to the USOE students
81 who receive interpreter/transliterators services together with
82 the provider of services, annually upon request.

83 **R280-203-4. Examination of Applicants for Certification.**

84 [Individuals]The Division of Services for the Deaf and
85 Hard of Hearing Interpreters Certification Panel shall test
86 and rate candidates applying for interpreter/transliterators
87 certification [~~shall be tested and rated by the Division of~~
88 Services for the Deaf and Hard of Hearing Interpreters
89 Certification Panel according to procedures established]
90 consistent with the [INTERPRETERS/TRANSLITERATORS
91 MANUAL]Manual.

92 **R280-203-5. Temporary Exemptions from Certification.**

93 A. Individuals may engage in the practice of a certified
94 interpreter/transliterators in the public schools without being
95 certified subject to the following circumstances and
96 limitations:

97 (1) a candidate is engaged in providing
98 interpreters/transliterators services while in training in a
99 recognized school approved by the Board to the extent the
100 candidate's activities are supervised by qualified staff, or
101 designee, the services are a defined part of the training

102 program, and the training program has a record that the
103 candidate has had a successful fingerprint background check
104 within one year prior to the date of the
105 interpreting/transliterating services being provided.

106 (2) a candidate is engaged in an internship, residency,
107 apprenticeship, or an on-the-job training program approved by
108 the Board while under the supervision of qualified persons,
109 and who have record of a successful fingerprint background
110 check, consistent with Section 53A-3-410(2) and R277-516.

111 (3) a candidate meets the criteria consistent with
112 Sections 53A-26a-305(1)(d) through 53A-26a-305(f).

113 B. Violation of any limitation identified in R280-203-5
114 is grounds for rescission of exemption, denial of
115 certification, or other discipline as determined by the Board.

116 **R280-203-[5]6. Unprofessional Conduct.**

117 A. The Manual supplements [F]the definition of
118 [*]unprofessional conduct[*] provided in 53A-26a-502[~~shall be~~
119 ~~supplemented with the definition applied to educators in R277-~~
120 ~~514-3 and provided in the INTERPRETERS/TRANSLITERATORS~~
121 ~~MANUAL].~~

122 B. The Board designates the procedure in R280-203-6 as an
123 informal adjudicative proceeding, under Section 63G-4-203.

124 [B]C. A complaint alleging unprofessional conduct by a
125 certified interpreter/transliterator may be filed
126 [under]consistent with the procedure[~~of R277-514. The~~
127 ~~procedure is provided] in the [INTERPRETERS/TRANSLITERATORS~~
128 ~~MANUAL]Manual.~~

129 [~~C. The complaint shall be reviewed by the Commission as~~
130 ~~provided for in R277-514-4.]~~

131 D. A member of the advisory board shall assist the Board
132 in reviewing the recommendation of the Commission, as provided
133 in 53A-26a-202(3) and upon request by the Board.

134 E. The Board shall make the final disciplinary decision
135 consistent with the Manual.

136 **R280-203-[6]7. Renewal and Reinstatement.**

137 A. An individual holding an
138 interpreter~~[+s]~~/transliterator certificate is eligible to have
139 that certificate renewed as provided in the
140 [~~INTERPRETERS/TRANSLITERATORS~~ MANUAL]Manual.

141 B. An individual whose interpreter~~[+s]~~/transliterator
142 certificate has been suspended or revoked for unlawful or
143 unprofessional conduct may apply for reinstatement to the
144 Board. The Board may require the applicant for reinstatement
145 to complete the procedure for certification or may, upon
146 consultation with the advisory board, designate the areas of
147 the application process in which the applicant shall be
148 reviewed.

149 **KEY: certification, interpreters/transl iterators**

150 **Date of Enactment or Last Substantive Amendment: [~~January 3,~~**
151 **2003]2014**

152 **Notice of Continuation: September 9, 2014**

153 **Authorizing, and Implemented or Interpreted Law: 53A-24-103;**
154 **53A-1-401(3); 53A-26a-201 and 202**