

2003-04 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Health, Children,
Families, Aging and
Long Term Care
(SC-HCFALTC)

Sample:

Record of Comm. Proceedings ... RCP

- 03hrAC-EdR_RCP_pt01a
- 03hrAC-EdR_RCP_pt01b
- 03hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ 03hr_sb0255_pt01

➤ Miscellaneous ... Misc

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

Halbur, Jennifer

From: Seaquist, Sara
Sent: Monday, September 29, 2003 1:50 PM
To: Halbur, Jennifer
Subject: FW:

CR email...not a constituent

-----Original Message-----

From: David Dropkin [mailto:DDropkin@TLServices.org]
Sent: Monday, September 29, 2003 1:47 PM
To: 'sen.roessler@legis.state.wi.us'
Subject:

Sept - Oct.
2003

Senator Roessler:

I ask that you give your support to SB 255. As a mental health professional who works with deaf and hard of hearing consumers I see that it is vital that we have qualified sign language interpreters in the state. I encounter situations where a deaf person is provided no access to interpreter services or the "interpreter" is someone who has minimal ability to communicate in American Sign Language. The consequences can be disastrous for the deaf person.

Thank you

David Dropkin
208 East Fairy Chasm Road
Bayside, WI 53217

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October 21, 2003

Representative Sheryl Albers, Co Chair
Room 3 North
State Capitol
Madison, WI 53708

Senator Scott Fitzgerald, Co Chair
Room 316 South
State Capitol
Madison, WI 53708

Dear Representative Albers and Senator Fitzgerald,

On September 23, 2003, Senate Bill 255, relating to licensing interpreters for the deaf or hard of hearing, and providing a penalty, has been referred to the Senate Health, Children, Families, Aging and Long Term Care Committee.

It is required that the Joint Committee for Review of Criminal Penalties prepare a report on Senate Bill 255. As Chairperson of the Senate Health, Children, Families, Aging and Long Term Care Committee, I am requesting this report.

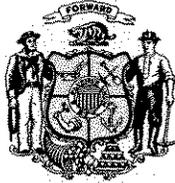
It is my understanding that the Committee has thirty days to complete the report. Please let me know if you have any questions or concerns.

I look forward to a response indicating the Committee's willingness to comply with this request.

Sincerely,

CAROL ROESSLER
State Senator
18th Senate District

**Criminal Penalties, Joint Committee for Review of
Representative Albers and Senator S. Fitzgerald, *cochairpersons*
Representative Huber; Senator George.**



Carol Roessler
STATE SENATOR

October 28, 2003

Representative Sheryl Albers, Co Chair
Room 3 North
State Capitol
Madison, WI 53708

Senator Scott Fitzgerald, Co Chair
Room 316 South
State Capitol
Madison, WI 53708

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Sincerely,

A handwritten signature in cursive script that reads "Carol".

CAROL ROESSLER
State Senator
18th Senate District

CR:/jhS:\DOCS\Jennifer\Health Committee\10-21-03 letter to jt crime committee.doc



Carol Roessler
STATE SENATOR

October 28, 2003

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Room 316 South
State Capitol
Madison, WI 53708

Representative Sheryl Albers
Room 3 North
State Capitol
Madison, WI 53708

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CAROL ROESSLER
State Senator
18th Senate District

CR:/jhS:ADOCSEJenniferHealth Committee\10-21-03 letter to jt crime committee.doc

NOV. 2003

David and Beth Wurst

From: <nellax2@juno.com>
To: <wurstfirm@cornernet.com>
Sent: Thursday, November 13, 2003 2:42 PM
Subject: Re: State Senate Bill 255

It says that it will be illegal for anyone in the state of Wisconsin to interpret in a church in Wisconsin if they are not RID certified and do not possess a special license from the state. When contacted about it, they said that we could all just work for free and then the law would not apply to us. In my mind, they make an exception of educational interpreters and an exception for interpreters certified by the State Supreme Court to do court proceedings. They should exempt churches. The bill is good, but it's too broad. The intent is that deaf individuals going to the doctor or lawyer or wherever will have quality interpreters. That's fine and dandy BUT church interpreting is a whole different world. Would we want a Quaker trying to explain Catechism concepts to our children? Would we want a Catholic relaying in sign their understanding of the bread, wine, body, and blood related to communion? Many times we make judgement calls when interpreting church and need to include background that pastor hasn't explained. Joe Shmoe off the street will have no idea and just interpret literally and may screw it all up.

To: Sheila
 From: Beth Wurst
 2/20/03

If you can contact Dave's cousin that would be cool. The e-mails have a pattern of sen.(last name)@legis.state.wi.us Hopefully you can just e-mail her. If she knows any of the authors, that would help too. This will eventually get out of committee and go for a vote so we need to start talking.

Here's the latest that Pastor Behrenger has shared:

This is directed to all, deaf and hearing, who have an interest in encouraging church interpreters in churches. Please forward this to others you know with this interest - I'm sure it will be a concern in many churches in Wisconsin, regardless of denomination. This month (November 2003) the Wisconsin State Senate is considering a bill that would make it illegal for church interpreters to receive compensation for their work unless they are licensed by the State of Wisconsin. This licensing, intended to establish a standard for interpreters (certainly a worthy goal), would make it difficult for churches in the WELS to find qualified interpreters, because the level of certification is higher than most of our WELS interpreters currently have. There are not a lot of qualified, willing interpreters waiting in the wings to do church work for us - it is hard to find interpreters who know religious signs and are available on Sunday mornings. I am writing to you to ask you to write the sponsors of this bill and your State Senator and express your opinion. In a separate e-mail, I am including the addresses of the sponsors and how to find out the address of your State Senator. I have listed some objections below. You may wish

11/13/2003

506 Mabel Court
Waukesha, WI 53188

November 18, 2003

Senator Carol Roessler
Chair
Senate Committee on Health, Children, Families, Aging and Long-Term Care
State Capitol

Subject: Senate Bill 255

Dear Senator Roessler,

I am writing about the bill that would make it illegal for church interpreters to receive pay for their signing services at church unless they are licensed by the State. I will not be able to come to the hearing on Monday, November 24, but I would ask that my letter be circulated to the members of the Committee in lieu of oral testimony.

I have a deaf son, age 43 ... deaf from birth and a daughter-in-law also deaf from birth. My wife and I were able to get our congregation (with the help of others) to conduct two signed services for the deaf each month. Do you know how difficult it is to get interpreters that (1) will work on Sunday morning, and (2) will take instructions in religious signing? The two interpreters we have and pay (truly a small amount) do it because of their work/love of the deaf culture and their church. One, in fact, has co-authored a religious signing book (8 years in the making) that is at the printers right now. If this bill or law, whatever you call it, goes through then we would have to ask them to do it for nothing ... yet pay our organists. As I say, you have great difficulty finding interpreters who work on Sunday, know religious signs ... and are members of the Wisconsin Ev. Lutheran Synod.

Please exempt churches from this bill. Please help the deaf ... not hinder them. My kids have had great difficulty getting jobs. Mark, though a member of several deaf state organizations ... he isn't mentally handicapped earns \$13.50 an hour after working for 23 years. My daughter-in-law has been looking for work for 3 years now after working in the office of UAW in Kenosha/Racine. She is working for 15 -20 hours a week at Kohl's for minimum wage. Deafness is the "unseen handicap." Communication is so important in our world today. Introduce someone to a deaf person, and immediately they will make up an excuse to get away from the deaf person. Don't take away their church communication. Please exempt churches!

Bruce Thompson
506 Mabel Court
Waukesha, WI 53188



Registry of Interpreters for the Deaf

State Senator Neal Kedzie
Room 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707

SB
255

November 21, 2003

Dear Senator Kedzie and the Senate Committee on Health, Children, Families, Aging and Long Term Care:

The Wisconsin state chapter of the Registry of Interpreters for the Deaf (WisRID) is a non-profit membership organization comprised of working and student interpreters, organizational associates, and deaf and hard of hearing supporters. We represent hundreds of professional interpreters or those striving to become professionals across the state of Wisconsin.

The principle purposes of WisRID are to initiate, sponsor, promote and execute policies and activities that will further the profession of interpretation of American Sign Language and English and the transliteration of English in all modes. One of our goals is to support and promote the national Registry of Interpreters for the Deaf's (RID's) system of certification in order to strive for competent interpreter services. National RID reports that Wisconsin has 278 supporting members of RID (June 30, 2003 VIEWS publication). Another of WisRID's goals is to advocate at an organizational level for legislation which supports the rights of interpreters as well as D/deaf, deaf-blind, and hard of hearing people.

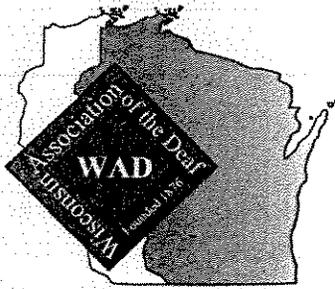
Today we are writing to express our support for the current state licensure efforts related to LRB 1414, Wisconsin Senate Bill 255. At our annual fall conference on October 7th and 8th, 2003, our membership participated in a discussion forum on Bill 255. A majority of the voting members in attendance with quorum at our business meeting voted in the affirmative that WisRID submit a letter indicating support of efforts that may result in a license for working interpreters in Wisconsin.

Thank you for your hard work on behalf of the D/deaf, deaf-blind, hard of hearing and interpreting communities in Wisconsin.

Sincerely,

A handwritten signature in cursive script that reads "Cassie Schellfeffer".

Cassie Schellfeffer
Immediate Past President and Acting President, WisRID



Wisconsin Association of the Deaf

PO Box 382 • Waukesha, WI 53186-0382

TTY 608-250-5076 • FAX 608-834-1417

President's E-mail: Linda_Russell@sbcglobal.net

Board Officers

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(committee)

Webmaster

James Powell

WADNet Post Editor

James Powell

Website:

www.wi-deaf.org

November 24, 2003

Wisconsin State Senator Neil Kedzie

Room 313 South

State Capitol

P.O. Box 7882

Madison, WI 53707

Dear Senator Kedzie:

As President of the Wisconsin Association of the Deaf, I wish to thank you for sponsoring Wisconsin Senate Bill 255, also known as the Interpreter Licensure Bill. I also wish to thank Senators Stepp and Lassa, and Representatives Lothian, Kerkman, Nass, Owens, and Hines for co-sponsoring this bill.

As a representative of the Wisconsin Deaf Community, a Deaf person, and as the parent of a Deaf child, I cannot emphasize enough the importance of this bill. Every day Deaf people are denied the provision of qualified interpreters by various entities. Many times, these entities hire individuals who consider themselves to be "interpreters", but are untrained, uncertified, and unqualified. The results are often catastrophic, tragic, or problematic:

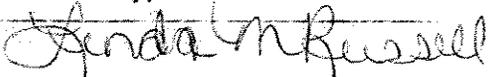
- Deaf people are arrested and tried for crimes they may or may not have committed, and who may or may not be linguistically competent. When the unqualified interpreter is hired, they are unable to appropriately assist in their defense and often wrongfully convicted. The prison system in turn, does not consider the provision of qualified interpreters a priority, thus resulting in extended incarcerations due to "not having met the terms of their conditions".
- During a three-year time-span, a Deaf parent attended meetings to develop an Individual Educational Plan (IEP) for her Deaf son, and was provided unqualified interpreters even though this parent informed the parties those interpreters were unqualified. Finally, the parent hired an attorney to resolve the issue, and qualified interpreters were provided. At the next meeting, this parent understood more during that one meeting than she had in three years.

- A young man, who is Deaf and also has a mental illness, was routinely denied qualified interpreters by his home county. During one emergency detention, an individual who could barely sign was called to interpret in the emergency room for this child. This person "interpreted" erroneous information that was caught only because one of his parents was hearing and heard the doctor's questioning of this child and informed the mother who is Deaf. The mother then intervened and asked for the question to be repeated. This individual was dismissed from the situation and the family filed a complaint with the Office of Civil Rights to enforce the provision of qualified interpreters for the child and his mother.
- An unqualified individual was called to interpret for a patient in a hospital setting to discuss after care upon discharge. When the patient checked with the nurse, she learned that some information had not been interpreted. In any medical situation, this could have serious implications for patients.

These are but a few of the situations experienced by Deaf people on a daily basis. There are individuals who are unwilling to recognize their limitations and abide by interpreter code of ethics as required by the Registry of Interpreters for the Deaf. Senate Bill 255 reduces the incidence of such occurrences.

The Wisconsin Association of the Deaf urges that Senate Bill 255 be passed without revisions.

Sincerely,



Linda M. Russell, President
Wisconsin Association of the Deaf

Senate Committee on Health, Children, Families, Aging and Long Term Care

Hearing on Senate Bill 255

November 24, 2003, 10:00 AM

Room 411 South of the State Capitol.

Interpreter
meet with
outside

I am Pastor James Behringer of Menomonee Falls. I am a member of the Mission for the Deaf and Hard of Hearing of the Wisconsin Evangelical Lutheran Synod. Our church body offers interpreted worship services in about twenty communities in the state of Wisconsin.

The Mission for the Deaf and Hard of Hearing encourages people to learn sign language and to become religious interpreters. We give members of our churches financial aid for their studies in sign language and interpreter training. We operate workshops to improve ministry to the deaf and hard of hear. We sponsor a triennial convention for the deaf and hard of hearing to enhance their spiritual life and to help churches meet their needs. We have just published an 800 sign dictionary, titled *Sign to the Lord a New Song: A Religious Sign Language Dictionary*. This will be the largest, comprehensive American religious sign dictionary which will be available to interpreters.

I mention these activities to demonstrate that we share the concerns of the authors of this bill. We want skilled, knowledgeable interpreters available to give deaf citizens freedom of access.

However, we believe that enacting Senate Bill 255 in its present form will hurt our work. The interpreters who serve in our churches have skills in religious sign. They know our theological distinctions and our worship forms. Many of them have educational certifications, or they once held them, but nearly all will fail to qualify for state licensing. They do commendable work, and invest many hours in preparing to interpret worship services and religious instruction classes. We believe that these interpreters – primarily housewives, students and women with full time employment – deserve the compensation our churches pay them. In fact it is a spiritual principle with us that we should compensate our workers. Senate Bill 255 would punish these willing workers who serve our churches for accepting the compensation they have earned.

We encourage congregations to contact the Registry of Interpreters for the Deaf (RID) for interpreters when we do not know any Lutheran interpreter in their area. But our experience has been that there are few RID interpreters available on Sunday mornings to commit to weekly attendance to fill our church needs, especially in the more remote areas of the state. If there were an abundance of RID interpreters with adequate experience in Lutheran signs, we could turn to them. When there is already a shortage of available religious signers, we believe that our work will be harmed by turning away good, experienced workers from our own circles.

Furthermore, while this law would require licensing before a person could receive payment for interpreting in a religious setting, there is currently no Lutheran religious interpreter training available in Wisconsin. The state offers no certification for religious signing. We would be in the position of having interpreters certified for medical, legal and educational settings, but no guarantee of their religious signing skills or familiarity with our worship forms.

We believe that the deaf and hard of hearing have the right to access to churches and freedom to practice religion according to the dictates of their conscience. We believe that the choice to use a religious interpreter is the right of the deaf, and of the church. We believe that people who desire to serve their church and to communicate the gospel to deaf people should not be fined for being compensated for their work.

This law entangles government in religion. Therefore we ask that SB 255 be amended to exempt religious interpreters working in a church setting.

James M. Behringer
N54 W15835 Larkspur Lane
Menomonee Falls, Wisconsin 53051
Phone: (262) 783-5600

Senate Bill 255
Testimony of Senator Kedzie before the Senate Committee on
Health, Children, Families, Aging and Long Term Care
November 24, 2003

Committee Chair Roessler, members of the Committee, thank you for holding a hearing today on Senate Bill 255.

I introduced this legislation at the request of the Council for the Deaf and Hard of Hearing, and am joined today by Colleen Keating, a representative of that Council. After I have summarized the legislation, Colleen will provide you with the rationale and history behind the proposal. I would also like to note that the Wisconsin School for the Deaf is located in my district, and that working with the School throughout my tenure in the Legislature has increased my awareness to the issues and concerns that are facing the deaf community in Wisconsin.

Senate Bill 255 specifies that no person may, for compensation, provide interpretation services for the deaf or hard of hearing unless the person is licensed by the Department of Regulation and Licensing.

Licenses will be for a period of two years, and will cost \$53, similar to many other licenses issued by the Department. To qualify for a license, an individual must:

- Have either an associate degree in interpretation for the deaf or hard of hearing or have received a certificate of completion of an appropriate education and training program.
- Possess either a valid certification from the Registry of Interpreters for the Deaf (RID) or a valid level 4 or 5 certification granted by the National Association of the Deaf (NAD).

The bill creates a provisional license for those individuals who have an associate degree or have completed a training program and are currently working towards certification. An interpreter can hold a provisional license for not more than 6 years.

Senate Bill 255 also contains a grandfather clause specifying that interpreters who are already RID or NAD certified are eligible for the license even if they do not have the necessary education requirements.

Finally, the provisions of the bill do not apply to individuals who are either certified by the Wisconsin Supreme Court to act as a qualified interpreter in a court proceeding or to an individual who is licensed by the Wisconsin Department of Public Instruction as an educational interpreter while they are providing educational interpreting for pupils.

Thank you for your consideration of Senate Bill 255.



Registry of Interpreters for the Deaf

State Senator Neal Kedzie
Room 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707

November 21, 2003

Dear Senator Kedzie and the Senate Committee on Health, Children, Families, Aging and Long Term Care:

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Thank you for your hard work on behalf of the D/deaf, deaf-blind, hard of hearing and interpreting communities in Wisconsin.

Sincerely,

A handwritten signature in cursive script that reads "Cassie Schellfeffer".

Cassie Schellfeffer
Immediate Past President and Acting President, WisRID

State Senator Neal Kedzie
Room 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707

November 24, 2003

To Senator Kedzie and the Senate Committee on Health, Children, Families, Aging and Long Term Care

The Wisconsin Council for the Deaf and Hard of Hearing sincerely thanks Senator Kedzie and all the cosponsors of Senate Bill 255 as well as the entire Senate Committee and Chairperson Roessler for scheduling the public hearing today to consider our communities' concerns.

The Council is a nine-member Governor-appointed group active on advocacy issues on behalf of deaf, deaf-blind and hard of hearing people statewide. Our members are representative of the groups we serve. We have four Subcommittees: Legislative Initiatives, Library, Mental Health, and Interpreter Statute Drafting. Our members are also assigned to other Committees: Universal Newborn Hearing Screening Implementation Work Group, Survival Coalition, Governor's Committee for People with Disabilities, and the Wisconsin Interpreting and Transliterating Assessment (WITA) Advisory Committee.

The Council and its predecessors have been working on drafts of an interpreter statute for over ten years. Prior to Senator Kedzie, Representative Walker worked diligently with us. Previous proposed drafts did not pass, but we are here with a modified, stronger, more widely supported new draft that we hope will succeed.

We sponsored this bill because Wisconsin's deaf community is very strongly behind the concept of higher standards and regulation for the field of interpreting, and because Wisconsin lags behind other states in this area.

We support the two exemptions in the bill for educational interpreters who are licensed by the Department of Instruction (DPI) and working in school settings; and for interpreters certified by the Wisconsin Supreme Court and working in the court system.

We support the National Registry of Interpreters for the Deaf (RID) as a stable, national organization administering a high-quality, psychometrically sound test of interpreter skills recognized throughout the country. The state is wise to collaborate with this respected organization, whose code of ethics, certificate maintenance program, and standard grievance procedures are well-established. The Council also supports the recognition of interpreter certification from the National Association of the Deaf (NAD) as equally sound. The NAD no longer offers new testing, rather has merged its credentialing body with the RID.

Without state standards for all the other interpreting work done outside of schools and courts, we risk serious harm coming to citizens involved in legal, medical, mental health

and numerous other settings where unqualified, uncredentialed interpreters or those misrepresenting themselves as interpreters work without repercussion. State licensing will help to ensure professionalism just as licensing of a kind does for teachers, lawyers, doctors and nurses. All consumers deserve this protection.

The Council reminds the Committee that Wisconsin currently has no minimum qualification requirements for interpreters, no ethical code of conduct, no grievance procedure for consumers, and no end in sight to the hazards that currently exist without licensure. Our deaf community has had enough of the unpredictability that affects their daily lives. "Hearing" people interacting with our deaf citizens via interpreters deserve high standards, too - accurate, ethical communication. These concepts apply equally to our precious children. Deaf children deserve the best, not the least, as they develop linguistically and cognitively through the role model of an interpreter.

Therefore, the Council supports the concepts of a provisional license, a permanent license and a grandfathering clause as written in the bill to encourage all our interpreters to work towards excellence. We support the inclusion of the WITA as an assessment tool and stepping stone towards national RID/NAD certification.

However, the Council acknowledges that the implementation of a license for interpreters will cause some growing pains in the short term. We are aware that some rely on uncertified educational interpreters because of the scarcity of certified interpreters in their areas. We are also aware of the need for more training and mentorship for interpreters aspiring to become certified. We know that courts, hospitals, businesses, and religious communities in northern and rural areas have a harder time filling requests for nationally certified interpreters. As such, the Council supports suggestions for change to the language of the bill to alleviate the immediate hardships that will be faced. In addition, we would like to see issues related to out-of-state interpreters and privileged communication protection be addressed with new language.

Though yet imperfect, Bill 255 is an essential step the state needs to take. It is the harbinger of high quality communication access for all consumers of interpreting services. We stand strong in our belief that our state *can* grow the number of credentialed individuals needed who can provide quality interpreting services. We have researched and we believe that the requirements in Bill 255 are fair and achievable for professional interpreters and will lead to a better future for consumers around our state.

Thank you.

Sincerely,

Colleen Keating
WI Council for the Deaf and Hard of Hearing
Subcommittee on Interpreter Statute Drafting
On behalf of the Council, sponsors of draft Bill 255 in coordination with the offices of
Senator Neal Kedzie

Senate Bill 255
Testimony of Senator Kedzie before the Senate Committee on
Health, Children, Families, Aging and Long Term Care
November 24, 2003

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Senate Bill 255 specifies that no person may, for compensation, provide interpretation services for the deaf or hard of hearing unless the person is licensed by the Department of Regulation and Licensing.

Licenses will be for a period of two years, and will cost \$53, similar to many other licenses issued by the Department. To qualify for a license, an individual must:

- Have either an associate degree in interpretation for the deaf or hard of hearing or have received a certificate of completion of an appropriate education and training program.
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Senate Bill 255 also contains a grandfather clause specifying that interpreters who are already RID or NAD certified are eligible for the license even if they do not have the necessary education requirements.

Finally, the provisions of the bill do not apply to individuals who are either certified by the Wisconsin Supreme Court to act as a qualified interpreter in a court proceeding or to an individual who is licensed by the Wisconsin Department of Public Instruction as an educational interpreter while they are providing educational interpreting for pupils.

Thank you for your consideration of Senate Bill 255.

Jim Doyle
Governor

Donsia Strong Hill
Secretary

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING



1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

**SENATE COMMITTEE ON HEALTH, CHILDREN, FAMILIES,
AGING, AND LONG TERM CARE**
Senator Carol Roessler, Chair

Statement of Jacquelynn B. Rothstein
Representing the Department of Regulation and Licensing concerning

2003 Senate Bill 255

relating to legislation for interpreters of the deaf or hard of hearing

411 South, Capitol
Monday, November 24, 2003 10:00 AM

Madam Chair and members of the committee, I am Jacquelynn Rothstein, legal counsel for the Department of Regulation and Licensing. Department Secretary Donsia Strong Hill requested that I appear today for informational purposes only.

This proposal allows three separate means for becoming licensed as an interpreter for the deaf or hard of hearing. Presumably, these different categories of licensure exist in order to allow time for those who are initially licensed under the "grandfather" provision to obtain additional training so that they, in turn, may graduate to the next level of licensure, ultimately resulting in a license that is eligible for renewal biennially. In addition, the Department would be required to promulgate rules that establish a code of ethics for interpreters. It is anticipated that between 200-600 interpreters of the deaf and hard of hearing may become licensed by the Department. That estimate is based upon the number of individuals who are currently licensed or working in Wisconsin as educational interpreters for the deaf and hard of hearing.

Historically, legislation that requires professional licensure has included a provision for an advisory committee. However, this proposal does not include a provision for a board or an advisory committee to assist the Department in developing the required rules. The Department does not have the independent expertise to determine what should be included in a code of ethics for interpreters who serve the deaf or hard of hearing. Consequently, the Department would have to form an advisory group or engage a contractor to assist it in developing that code.

It should also be noted that there is no provision within the bill concerning the confidentiality of communications or their disclosures. The proposal does not create an evidentiary privilege for interpreted communication. That is especially significant because it suggests that information typically considered confidential such as health care matters, could actually be disclosed. For instance, an attorney could depose an interpreter in a malpractice action where the interpreter provided services to a patient and his or her doctor. Because those communications between the interpreter and doctor/patient are not subject to a privilege, they would have to be disclosed.

Furthermore, the Department is concerned that this credentialing requirement would unduly burden small businesses and rural communities by requiring those with these special skills to obtain a credential for which no documented need appears to exist. Moreover, it would require individuals who are already certified by the Wisconsin Supreme Court and by the Department of Public Instruction to provide interpreting services for the deaf or hard of hearing to obtain yet another credential from the Department if those persons wish to provide those same services outside of the court or school systems. It would also require interpreters to become familiar with yet another set

of regulations. Because of these added requirements, the Department remains concerned that this will limit the pool of interpreters in rural areas and will increase the cost to those who are in need of these services.

Thank you for considering these matters. I am happy to respond to any questions you may have.

Marsha Spees

**Expert Testimony Regarding Senate Bill ~~255~~ 255
Exception for Educational Interpreters
November 24, 2003**

I am here to urge you to support the allowance of the exception for educational interpreters in Senate Bill ~~255~~ 255, for two primary reasons. I have been a teacher of the Deaf since 1973, and have a Bachelors Degree in Education of the Deaf from the University of Wisconsin – Stevens Point and a Masters Degree in Education Administration and Supervision from California State University, Northridge. My experiences as a teacher, supervisor, coordinator, principal and director of special education compelled me to present testimony today.

First, the state of Wisconsin currently has in place a licensing procedure for educational interpreters, which addresses the concern that interpreters in our public schools have appropriate training and skill.

Secondly, requiring the national certification would require school districts to cancel contracts with most of the current educational interpreters, in effect denying children who are deaf or hard of hearing access to their local schools.

In the early 70's in Wisconsin, students with a hearing loss attended the Wisconsin School for the Deaf, one of the day programs in the handful of metropolitan districts, or received no special education services in the other 400 school districts in this state. In the mid 1970's, a few itinerant programs for the deaf and hard of hearing were developed by our cooperative educational service agencies to serve students with hearing loss in their local schools, and by the mid 1980s schools throughout the state were able to design education programs including a full range of service options as appropriate to meet the very specific individual needs of our students. As a part of this progression, the need for educational interpreters grew as more deaf and hard of hearing students were mainstreamed in regular education classes and this related service was necessary to allow them access to their education.

I was a member of the State Superintendents Advisory Council on Education of the Deaf during the time that the Department of Public Instruction and the legislature were considering establishment of a license for educational interpreters in Wisconsin. This was necessary because educators, parents and the deaf community recognized the need to set a standard and demand that interpreters in the public schools demonstrate proficiency in sign language. The Department of Public Instruction recognized the need to set a standard, recognized the training required in addition to fluency in sign language, and participated in the accreditation process for interpreter training programs in our technical colleges. The educational field continues to be cognizant of the need for quality interpreting service for our students, and is continuing to raise the bar as evidenced by the new licensing requirements which will include the Educational Interpreting ~~Performance~~ ^{Performance} Assessment for continuing licensure in Wisconsin. This process shows evidence that field of education has progressed through stages to address these concerns.

Currently, school districts across the state of Wisconsin employ educational interpreters as a critical link for children with impaired hearing affording the opportunity to attend their neighborhood schools. Among the programs I coordinate for services in ~~35~~ 35 school districts, we employ educational interpreters in small school districts for a wide range of students, from a four year old deaf child in an Early Childhood classroom to an 18 year old senior enrolled in Calculus. We have been able to recruit and employ educational interpreters with the skills necessary to provide this related service enabling these students to attend their local school,

meet the goals identified in their individual educational plans, and to progress in the general curriculum. While all of the educational interpreters we employ are certified by the State of Wisconsin, Department of Public Instruction to provide this service, only a few are Registered Interpreters for the Deaf. All of them participate in continuing education programs, classes and workshops to improve their skills. There is a scarcity of qualified applicants for the positions we currently have open, and I fear this bill intended to appropriately set the standard for freelance interpreters would be disastrous for deaf and hard of hearing children in schools – effectively denying them the very services which enable them access to school, and returning us to the school days prior to Brown vs. the Board of Education. Therefore I urge you to include the exemption in SB ~~254~~ for educational interpreters.

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Thank you for the opportunity to share my professional concerns on this pending legislation.

Marsha J. Spees
Program Support Teacher
Coordinator of Services for the Deaf and Hard of Hearing
Cooperative Educational Service Agency #5
Portage, WI

home address
W11563 County Road P
Plainfield, WI 54966
(715) 335-4085

speesm@cesa5.k12.wi.us

(608) 742-8811, Ext. 252

Testimony of Kat Ann Representing Professional Interpreting Enterprise

Stephanie Kerkvliet, PIE Inc

From: "Stephanie Kerkvliet" <stefkerk@tds.net>
To: <skpie@tds.net>
Sent: Thursday, November 20, 2003 6:56 AM
Subject: AGAINdraft for Kat's testimony

-----Original Message-----

From: PIE Inc
Date: Tuesday, November 18, 2003 5:36:13 PM
To: stefkerk@tds.net
Subject: draft for Kat's testimony

Ladies and Gentleman of the Committee,

My name is _____ and I am here today as a representative from Professional Interpreting Enterprise, Inc., an agency that schedules American Sign Language interpreters throughout the State of Wisconsin.

The staff of our company strongly supports the proposed Interpreter Licensure bill and encourages the Legislature to ensure its passing.

The Americans with Disabilities Act states that when an entity provides an interpreter as an accommodation, the interpreter must be quote-qualified-endquote to do the job. However, the ADA leaves it to the discretion of the entity to determine what "qualified" means.

With this lack of guidance, it is all too easy for entities to hire interpreters who are under-qualified, unskilled, untrained, and unethical in their decision-making. There are countless examples of situations where a

deaf person's right to effective communication has been compromised at the hands of an unqualified interpreter.

For example, under current practice, hospitals and healthcare facilities have used housekeeping staff to facilitate communication between doctors and patients. The State must take responsibility for the welfare of its residents in situations such as this, and must create and monitor the minimal standard in provision of qualified interpreters.

It is time for Wisconsin to realize the injustice that is being imposed upon the over 500,000 residents of our state who are deaf, deaf-blind, or hard of hearing. It is time for Wisconsin to provide a means of regulation for American Sign Language interpreters so that this injustice may be lessened.

With the requirement of Interpreter Licensure for all American Sign Language interpreters working in Wisconsin, it is our hope that Deaf, hard of hearing, and deaf-blind persons will have improved access to communication in all their affairs.

Thank you.

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Information UPDATE

Wisconsin Department of Public Instruction/John T. Benson, State Superintendent/125 S. Webster St./P.O. Box 7841/Madison, WI 53707-7841

BULLETIN NO. 99. 04

July, 1999

TO: District Administrators, CESA Administrators, CCDEB Administrators,
Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Juanita S. Pawlisch, Ph.D., Assistant Superintendent
Division for Learning Support: Equity and Advocacy

SUBJECT: The Role of Educational Interpreters

The purpose of this Informational Update is to respond to questions regarding the role of educational interpreters for children who are deaf or hard of hearing. The State Superintendent's Advisory Committee on the Education of Pupils who are Deaf or Hard of Hearing has endorsed this bulletin. It includes both legal requirements and best practice.

1. What is the role of an educational interpreter?

The fundamental role of an educational interpreter is to facilitate communication between deaf students and others including teachers, other school staff and students in educational environments. Educational interpreters are responsible for providing the interpreted messages in a language or mode that is understandable to the child who is deaf or hard of hearing. The language or mode of communication of the child may be American Sign Language (ASL), or other English sign forms used by deaf and hard of hearing students. In addition to interpreting spoken words and signs, the nuances of spoken English including the meta-linguistic information which surrounds a message as portrayed through the speaker's tone of voice or affect, are a part of the message.

2. What duties in addition to interpreting are appropriate for educational interpreters?

Interpreting for the student is the primary duty of the educational interpreter. This responsibility may occur in a variety of settings beyond the classroom including, but not limited to, field trips, club meetings, after school programs, assemblies, extra-curricular activities, school counseling sessions, and school sponsored trips.

Other duties which *may be performed while not interpreting* include other school activities such as recess or hall duty, helping children with the bus, or assisting other students in the classroom **in the same manner as is expected of teachers**. Educational interpreters may provide this support *as long as there is no interference with their primary duty of providing needed interpreting for the deaf or hard of hearing student*.

The educational interpreter functions on the educational team along with the general education teacher, special education teacher, building principal and others as appropriate. The role of the educational interpreter will vary in a manner appropriate to the student's maturity and ability to effectively use an interpreter. It should not be assumed that the educational interpreter is to function as the classroom aide or caretaker for the student. Questions about the students academic progress and needs should be directed to the teacher.

Student behavior expectations and discipline procedures are established and carried out by the teacher. While the educational interpreter is a member of the school staff and carries out responsibilities as defined in district policy, it is the classroom teacher who is responsible for the behavior program and discipline of all students in the classroom including the student who is deaf or hard of hearing.

3. What may be expected of educational interpreters regarding tutoring support?

Often the educational interpreter will be asked to tutor for a deaf or hard of hearing student. This tutoring should be done under the supervision of the classroom teacher or the teacher of deaf and hard of hearing students. Tutoring may include review of material that has been recently presented in class, or the introduction of new vocabulary, including the need to establish signs for vocabulary that may be used in an upcoming lesson. For this reason, it is important for teachers to share their lesson plans ahead of time so that the educational interpreter can properly prepare for class.

Tutoring does not involve the following aspects: presentation of new material, material missed due to the students' absence, or remedial services for student's experiencing significant difficulty in understanding academic content.

4. Why should educational interpreters have preparation time?

An important aspect of effective interpretation is knowledge of the material being presented. In order to maximize the interpreter's value when working in the classroom, it is important for the educational interpreter and teacher to maintain regular open communication regarding the activities of the school day, including lesson plans and expectations of student outcomes.

To be effective, educational interpreters need preparation time in order to review lesson plans, pre-read text books and meet with teachers to discuss lesson goals. An especially challenging task is the interpretation of videotapes or other school programs, including music programs or special speakers. Educational interpreters need to preview videotapes, and, when possible, rehearse for special school programs ahead of time. This makes daily preparation time imperative.

5. What are the expectations and responsibilities of the district when providing interpreting service during extra-curricular activities or school sponsored events?

Educational environments include all aspects of the school day including extra-curricular activities, clubs, and school sponsored trips. Deaf and hard of hearing students who participate in extra-curricular activities may require interpreter services. The additional time required for these extra-curricular activities such as sports and other school sponsored events needs to be considered when planning budgets for interpreter services. Events such as school plays or concerts often require preparation time in addition to actual interpreting time. The work done by an educational interpreter after the normal school hours is generally considered an added duty beyond the interpreter's normal work week.

Educational interpreters often are asked to teach informal sign language classes or clubs for staff and students. When an interpreter teaches a sign language class, preparation time and materials are important factors to be considered. This is not to be confused with ASL courses offered as foreign language credit. ASL courses for credit require a teaching license with demonstrated skill in the use of American Sign Language or verification of teaching skill that can be obtained through the American Sign Language Teachers Association (ASLTA).

6. What is meant by the terms *transliteration*, *interpretation*, *oral translation*, *real-time captioning*, and *cued speech*?

Interpreting for deaf or hard of hearing students consists of three basic forms; *transliteration*, *interpretation* and *oral translation*.

- *Transliteration* is the process of working between spoken English and a signed form of English.
- *Interpretation* is the process of working between spoken English and American Sign Language.
- *Oral translation* is the process of working with spoken English and lip-reading through a silent form of English that is more visible on the lips.

While these terms reflect different forms of "interpretation," for the purpose of this Information Update, the term interpreting is used to encompass all three.

- *Real-time captioning* (RTC) is another option for students in accessing their education. A real-time captioner is someone who has completed training similar to a court room reporter who records the classroom conversation which is then transmitted onto a computer screen for the student to read. This is an option generally for students who suddenly lose their hearing after developing reading skills, who do not use sign language to communicate, and who are middle school or older with grade level reading proficiency. At this time, there is no DPI license for someone providing real-time captioning.
- *Cued Speech* is a system of handshapes used to represent the phonemic aspects of speech. It is not sign language. The DPI license for educational interpreters does not address Cued Speech. The person providing this service may be licensed as an educational interpreter if they meet the license requirements, or, if not, as an educational aide with the understanding that they are to demonstrate skill in using Cued Speech.

7. What considerations are important when more than one deaf or hard of hearing student is placed in the same classroom?

The IEP team determines the communication / language needs of each student. Different children inherently have a preference for the type of communication / language that will best meet their needs to understand their world. Therefore, it is not appropriate for a school district to establish a single language or mode of communication to be used with all children who are deaf or hard of hearing, but rather to address the communication means based on each child's identified language preference.

When more than one student who is deaf or hard of hearing, with different language needs are placed in the same regular education classroom, along with the services of an educational interpreter, decisions need to be made regarding how the interpreter is to approach the task. There may be times when it is appropriate for more than one educational interpreter to be present, one who transliterates while the other interprets.

8. Are there unique qualities of an educational interpreter assigned to work with deaf or hard of hearing children in an early childhood special education or preschool classroom?

Young children who are prelingually deaf or hard of hearing frequently go unidentified as a child with an impairment until they are almost 2 years old. Often these families struggle to obtain the needed services to support the language development of their child so the child often enters school without a strong language base, very limited general knowledge and, for children who use sign language, limited, if any, knowledge of sign language. This language delay should not be confused with cognitive limitations. Deaf or hard of hearing children have the same range of cognitive abilities as nondisabled children.

Developmentally, these children often enter school in need of language exposure both formally and informally. Very few of these preschoolers will be able to use an interpreter in a typical fashion. Educational interpreters are not trained to *teach* but serve as language models. Exposure to language is key to the child's development. Play activities and sign language instruction to all the children in the classroom support an environment of communication peers. Classrooms designed for young children are language rich environments, however the ability for a child who is deaf or hard of hearing to access this language directly and therefore develop literacy is clearly challenged. For some students, an educational interpreter may not be 'the solution' to providing an appropriate education for the child. A teacher who is knowledgeable in facilitating the early language development of young deaf and hard of hearing children may better address the child's language developmental needs. When using an interpreter to provide access to language, a strong team connection with the educational interpreter, early childhood special education or preschool teacher and teacher of children who are deaf or hard of hearing needs to be established and maintained.

9. How are a child's communication needs determined?

The special considerations section defined in IDEA '97 614(d)(3)(B)(iv) and 115.787(3)(b)4. WI Statutes require that the IEP team address the communication needs of each child who is deaf or hard of hearing. This includes information from the child's parents regarding the child's language or communication mode. The IEP team is to consider:

- the child's language and communication needs,
- opportunities for direct communication with peers and professional personnel in the child's language and communication mode,
- the academic level and full range of needs including opportunities for direct instruction in the child's language or communication mode.

10. Should educational interpreters attend and participate in IEP meetings?

While it is not required that educational interpreters attend IEP meetings, as a member of the educational team the educational interpreter can provide vital information to the IEP process. Educational interpreters spend much of their day in direct interaction with the student who is deaf or hard of hearing in the classroom which gives the educational interpreter valuable insight related to the language and communication needs of the student in this environment.

There are two situations where an interpreter, other than the student's educational interpreter, may be needed.

- when the educational interpreter for the student will be participating in the IEP meeting, or
- if it is anticipated that the IEP meeting will continue more than two hours.

A common misperception is that educational interpreters, if participating in the IEP meeting, can, at the same time, function as a participant *and* as an interpreter for the student or, in some situations, for parents who are deaf or hard of hearing. It is important to clearly identify her/his role as participant or interpreter.

When the student's educational interpreter is a participant on the IEP team, it may be possible for this educational interpreter to interpret with a second interpreter. When the student's educational interpreter is contributing to the IEP review and development, it should be understood that s/he would not be interpreting during this time. Signing and speaking at the same time (simultaneous communication) tends to impact negatively on the quality of the message in sign language. A discussion with the interpreters regarding their roles prior to the meeting will assist in identifying roles and support a smooth flowing meeting.

If it is anticipated that the IEP meeting will continue beyond two hours, it is suggested that two interpreters be provided. Fatigue factors, both physically and mentally (especially after working a full school day) may inhibit a single interpreter's ability to maintain clarity throughout the meeting.

11. What are guidelines for hiring an interpreter for parents who are deaf or hard of hearing?

While the basic function of educational interpreters is the same as that of freelance interpreters, a critical difference is often the skill level in understanding the message of the deaf adult who uses American Sign Language. Not all educational interpreters are able to perform the task of interpreting for parents in meetings or for other school programs made available to the public therefore a district may need to consider hiring a freelance interpreter. Best practice is to ask the deaf parents if they have a preference and attempt to contact that interpreter. Parents may request an interpreter with Registry of Interpreters for the Deaf (RID) certification or Wisconsin Interpreting/Transliterating Assessment (WITA) level (1=high, 4 = low), or they may request an interpreter by name. To contact freelance interpreters, see the list at the back of this bulletin.

12. How are educational interpreter services written into the IEP?

The services of the educational interpreter can be stated on the IEP as either a supplementary service or as a related service. This includes a statement of the frequency, location and duration of this service.

13. What are the required qualifications of an educational interpreter?

It is required by DPI that people working as an educational interpreter in a PK-12 setting have the DPI license #884. Interpreting is a highly specialized skill that requires extensive training and practice over a long period of time. Since classroom content changes with the age of the student and subject area the skills and knowledge necessary can vary significantly. Educational interpreters need to have sufficient knowledge of the content and technical terms in order to interpret meaningfully.

In July 1992 the DPI established the #884 license for educational interpreters. This license includes coursework typically found in interpreter preparation programs. In addition, educational interpreters must complete 6 credits or the equivalent every five years in order to renew their license. At that time, many educational interpreters who had not completed formal interpreter training who were working in the public schools were granted this license. In 1997 the DPI put into place a requirement for all educational interpreters to pass an established assessment demonstrating a minimum score in order to renew their license.

This came about in part due to a push from the community to verify a minimum skill level for all educational interpreters that addresses the qualification standards being set for interpreters in Wisconsin and nationwide.

The Department has adopted the use of the *Educational Interpreter Performance Assessment (EIPA)*; a tool specially designed to evaluate the skills of interpreters in K - 12 settings. This diagnostic tool awards a score from 1 (low) to 5 (high), with a minimum score of 3.0 required in order for educational interpreters to renew their license. In addition to quality assessment, this diagnostic tool provides extensive feedback to the interpreter on their work supporting their professional development. The first group of educational interpreters who must demonstrate this proficiency through the *EIPA* are those whose license expires June 30, 2002. The only exception to this requirement is for those educational interpreters who function only as oral translators.

In addition to the DPI license, there are several other evaluation systems which measure the competency of interpreting skill. These are through the:

- 1) The Registry of Interpreters for the Deaf, Inc. (RID) which awards a certificate called Certificate of Interpretation (CI), the Certificate of Transliteration (CT), and Oral Transliteration Certificate (OTC),
- 2) The National Association of the Deaf (NAD) which awards five levels of certification (5 being high), and
- 3) The Wisconsin Office for the Deaf and Hard of Hearing, which awards four levels through the Wisconsin Interpretation / Transliteration Assessment (WITA) (1 being high).

14. Educational interpreters often refer to the Interpreter Code of Ethics. What are they referring to?

The *Registry of Interpreters for the Deaf, Inc. (RID)* is a national organization that has an established code of ethics for sign language interpreters which provides a foundation for ethical practices for all interpreters. The Code of Ethics includes guidelines on confidentiality, professional development and professional conduct. While educational interpreters in Wisconsin are not required to be members of the RID, the ethics outlined by this organization serve as a good guide for professional ethics.

The relationship of the student who is deaf or hard of hearing and the educational interpreter is intimate due to its unique intense one-to-one relationship that can at times be challenging to both. As an employee of the school district, and member of the educational team, the educational interpreter is required to follow the policies established by the school district. However, educational interpreters, by the nature of their job, have a dual role in the classroom; to maintain the trust of the student while functioning as a member of the educational team. Due to the sensitive relationship between the student and the educational interpreter, there may be times when some information of a personal nature may remain confidential between the student and educational interpreter. Some questions from the staff or parents regarding the student may be appropriately referred to the student or teacher rather than asked of the interpreter.

15. Can I hire someone with the aide's #883 license who knows sign language to interpret for a child if it is only for a short time during the day or for young children instead of hiring an educational interpreter with the #884 license?

Whenever someone is expected to interpret for a student, even for one class period per day, this person must be able to demonstrate the skill needed to interpret. Someone with basic sign communication skills does not meet the qualifications needed to provide interpreting services. Understanding of sign language (or of any language) is the first level of skill upon which is built the skill necessary to learn the interpreting process. It is also important to note that the level of interpreting skill needed for young children, while different, is no less than the level of skill needed when interpreting for high school students.

Someone who works with children who are deaf or hard of hearing may be licensed as an aide when working in the classroom with the teacher, on the bus for transportation safety, as a support for behavioral needs of the child, or in other similar situations.

16. Is there a resource for school districts when seeking appropriate evaluation tools and professional development opportunities for educational interpreters?

The Outreach staff of DPI includes the position of a sign communication specialist. This service is available to school districts when seeking support on the assessment of educational interpreters or assessment of the sign communication needs of students. This service is available at no cost to districts and can be reached by calling 1-800-832-9784.

For more information concerning this bulletin or the *Educational Interpreter Performance Assessment (EIPA)*, please contact Carol Schweitzer, Consultant for Deaf and Hard of Hearing Programs and Educational Interpreter Services at (608) 266-7097.

This information update can also be accessed through the Internet:
<http://www.dpi.state.wi.us/dpi/dlsea/een/bulindex.html>

Attached: list of Interpreter Preparation Programs and Interpreter Referral Agencies in Wisconsin

List of Wisconsin and neighboring interpreter preparation programs

Northcentral Technical College
Educational Interpreter Technician Program
1000 Campus Drive
Wausau, WI 54401-1899
(715) 675-3331

University of Wisconsin-Milwaukee
Interpreter Preparation Program
Enderis – 6th Floor
PO Box 413
Milwaukee, WI 53201
(414) 229-4820

Milwaukee Area Technical College
Interpreter Technician Program
700 West State Street
Milwaukee, WI 53233-1443
(414) 297-6784

Gateway Technical College
Interpreter Preparation Program
400 County Road H
Elkhorn, WI 53121-2020
(414) 741-6134

St Paul Technical College
Interpreter Preparation Program
235 Marshall
St. Paul, MN 55102
(612) 221-1343

College of St. Catherine – St. Mary's Campus
Interpreter Preparation Program
2500 South Sixth Street
Minneapolis, MN 55454
(612) 690-7700

Harper Community College
Sign Language Interpreting Program
1200 West Algonquin Road
Palatine, IL 60067
(847) 925-6000 x 6415

Waubensee Community College
Interpreter Training Project
5 East Galena Blvd.
Aurora, IL 60506
(630) 466-7900 x 2504

Columbia College
Interpreter Preparation Program
600 South Michigan Avenue
Chicago, IL 60605
(312) 663-1600 x 7174

List of interpreter referral agencies:

IndependenceFirst Interpreter Coordination Services
600 West Virginia Street, Suite 301
Milwaukee, WI 53207-1516
(414) 291-7535

Professional Interpreting Enterprise, LLC
10412 West Coldspring Road
Greenfield, WI 53228
(414) 425-5536

Interpreter Connection, Inc.
621 North Sherman Avenue
Madison, WI 53704-4452
(608) 241-4660

DeaFirst
2116 International Lane
Madison, WI 53704
(608) 245-3380

WISCONSIN LICENSE – EDUCATIONAL INTERPRETERS

Web site: <http://www.dpi.state.wi.us/dpi/dlsis/tel/pi3sub7.html>

PI 3.305 Educational interpreter - deaf or hard of hearing - 884, PK-12.(1) Effective July 1, 1992, any person employed by a school system to interpret for pupils who are deaf or hard of hearing as part of that pupil's special education program shall hold a license under this section. Except as specified in sub. (2) or (3), an applicant for a regular educational interpreter for pupils who are deaf or hard of hearing - 884 license shall complete or possess all of the following:

(a) At least 22 semester credits of course work which shall include all of the following:

1. Public speaking skills.
2. Written English communication.
3. Child and adolescent development.
4. Psychological, social, and cultural aspects of people who are deaf or hard of hearing.
5. Orientation to deafness which shall include terminology related to hearing loss, pathological perspectives, educational programs, and cultural perspectives of people who are deaf.
6. Language development in children who are deaf or hard of hearing.
7. Three credits in special education as required in s. PI 3.05 (1).
8. Theories of the various forms of visual communication used while interpreting, such as American Sign Language, manually coded English and oral interpreting.
9. Issues in educational settings such as theory, role and function, instructional support services, note-taking and classroom management in the prekindergarten through grade 12 setting.
10. Ethical and professional practices.

(b) A practicum of at least 150 hours in the prekindergarten through grade 12 setting, 2 semesters of successful experience for at least 50% time as an educational interpreter or certification from the national registry of interpreters for the deaf.

(c) A minimum of 1 credit of oral interpreting which is the process of delivering a spoken message in a manner that is most visible via speechreading, or certification from the national registry of interpreters for the deaf as an oral interpreter. In this paragraph, "speechreading" means the practice of communicating using a combination of lipreading, residual hearing, natural gestures and context clues.

(d) 1. Except as specified under subd. 2., the applicant shall have completed at least 18 semester credits of course work in the area of interpreting for individuals who are deaf or hard of hearing which includes at least 6 semester credits in each of the following:

- a. Skill development in the use of American sign language and expressive interpreting which is the process of changing spoken English into American sign language.
- b. Skill development in the use of signed forms of English and expressive transliterating which is the process of changing spoken English into a signed form of English.

c. Skill development in understanding messages delivered in sign language and in sign to voice which is the process of changing a signed text into spoken English.

2. Applicants holding a valid department of health and social services quality assurance verification under ch. HSS 267 shall provide the department with evidence of such verification which the department shall apply as 6 semester credits to be divided equally among the course work requirements of subd. 1.

(2) (a) A person who has been successfully employed by a school or school district as an educational interpreter as part of a special education program for pupils who are deaf or hard of hearing for at least 50% time for 2 semesters or the equivalent prior to July 1, 1992 may be issued a regular license under this section.

(b) A person who has completed an interpreter training program prior to July 1, 1992, may be issued a regular license under this section.

(c) Interpreters holding certification from the national registry of interpreters for the deaf, including the comprehensive skills certificate, interpretation certificate, transliteration certificate, certificate of interpretation, certificate of transliteration, or reverse skills certification, may be issued a regular license under this section if 6 semester credits of course work selected from one or more of the requirements under sub. (1) (a) 3., 6., 7. or 9. have been completed.

(3) (a) A two-year license may be issued to an applicant who meets the requirements under sub. (1)(d) but lacks requirements under sub. (1) (a), (b), or (c).

(b) A two-year license may be issued to an applicant who meets the requirements under sub. (2) (c) but lacks the specified credits.

(c) A license under this subsection may be renewed, if between the date of issuance and the proposed renewal date, the applicant has made satisfactory progress toward removal of the deficiencies under sub. (1) (a), (b) or (c) or the credit deficiencies under sub. (2) (c).

(9) SUBSTITUTE EDUCATIONAL INTERPRETER - DEAF OR HARD OF HEARING

LICENSE. A substitute educational interpreter - deaf or hard of hearing license may be issued for a period of 5 years to an applicant who meets one of the following:

(a) Holds or is eligible to hold an educational interpreter license under s. PI 3.305.

(b) Holds the equivalent license in another state.

(c) Is at least 18 years of age, holds a valid certificate from the national registry of interpreters for the deaf or department of health and social services quality assurance verification under ch. HSS 267 or the equivalent.

(d) Proof of completion of an interpreter training program.

PI 3.03 (e) Educational interpreter - deaf or hard of hearing license renewal. An educational interpreter - deaf or hard of hearing license may be renewed if the applicant satisfactorily completes 6 semester credits or the equivalent of continuing professional education during the 5 years immediately preceding his or her application for renewal. The 6 semester credits or the equivalent shall be directly and substantively related to one or more of the licenses held by the applicant or to the applicant's professional competency. The applicant requesting a renewal under this paragraph shall complete the requirement under subd.5 and may earn the remaining 6 semester credits of the equivalent by completing one or a combination of the following items listed in subd.1 to4:

SECTION 2 PI3.03(2)(e)3.b.

Two credits or the equivalent clock hours may be earned in a professional growth experience that meets the requirements under s.PI3.025(2)(c)1and 2 while serving as a mentor in an interpreter training program. No more than 2 semester credits or the equivalent may be counted in meeting the professional education requirement under this paragraph in a 5-year period.

SECTION 3 PI 3.03(2)(e)5.a.

Except as specified under subpar.b, successful completion of the educational interpreter performance assessment with a score of 3 or better. Thirty equivalency clock hours shall be granted for each assessment under this subdivision with no more than 60 equivalency clock hours counted for each 5-year period. The 60 equivalency clock hours may be awarded by completing two interpreter performance assessment under this subdivision or one educational interpreter performance assessment under this subdivision and one Wisconsin interpreting and transliterating assessment at a level 4 for both interpretation and transliteration, or one educational interpreter performance assessment under this subdivision and proof of maintaining certification or taking an interpretation or transliteration performance test, regardless of the score, through the registry of interpreters for the deaf.

EIPA is national assessment tool with focus on K-12 situation

b. Educational interpreters who work as oral interpreters are exempt from meeting the requirement under subpar.a. if a letter of verification is submitted to the department from the employing school district stating that the interpreter works as an oral interpreter only.

1. Semester or equivalent quarter credits earned at an accredited baccalaureate degree-granting college or university.
2. Semester or the equivalent quarter credits earned in an off-campus course which has been accepted under s. PI 3.023.
3. a. Equivalent clock hours earned in a workshop, seminar or conference approved under s. PI 3.025 (1) and (2). Thirty clock hours earned at a workshop, seminar, or conference shall be equivalent to one semester credit earned at an accredited college or university.
4. Semester credits earned in the technical college system.

Senator Roessler

re Senate Bill 255

- DPI Bulletin on Role of Ed Interpr - K-12 settings
- DPI license
 - 2 yr course work
 - nationally tested competence

November 24, 2003

WI State Senator Kedzie
Room 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707

Dear Senator Kedzie:

I am writing to express my opposition to LRB 1414 Senate Bill 255, requiring anyone providing sign language interpretation services for compensation to hold a state license. While the mission of improved interpretation services is a very good one, I fear the concept of a state license may have unanticipated negative ramifications that would negate the initial purpose of increasing communication between deaf and hearing people.

I have been a teacher of children who are deaf and hard of hearing for over twenty years. I currently serve as coordinator of deaf/hard of hearing and vision services for CESA 6, which covers 42 school districts in east-central Wisconsin. During my time with CESA 6 I have seen the role of interpreter shift from one of "gracious helper," to aide, to being recognized as a skilled profession. Interpreter training programs have grown as the demand for improved skills and greater numbers of interpreters have increased. Educational interpreting in schools is a recognized related service available to deaf students. We have worked very hard over the years to instill in these students, and their families, that they have the right to know what is going on around them and that they should obtain an interpreter for activities outside the school setting, not just rely on family members whose sign skills may or may not be adequate.

Obtaining an interpreter over the years has not been an easy task, particularly in the rural areas. Finding an interpreter who holds Registry of Interpreters for the Deaf (RID) certification is even more rare outside of the Milwaukee and Madison metropolitan areas. When one is able to be located, usually through an interpreter service, costs include travel time (portal to portal), a minimum time charge, a requirement of at least 24 or 48 hours notice for cancellation, and the requirement of two interpreters depending on the length or intensity of the meeting. The current rates are at least \$35 per hour. This means that a family living in Dodge county requesting an interpreter for a one-hour soccer practice run by the community recreation department could be running up a bill of at least \$100 for one practice. The soccer team practices four times per week. What happens if the child wakes up sick the morning of practice? These costs are more than any single family or private service organization can bear.

We have encouraged families of deaf children to utilize sign language interpretation services for all kinds of activities, including sports practices sponsored by clubs outside the school system, Girl and Boy Scouts, hunter safety classes run by local sportsmen's clubs, swimming lessons, library story hour, community theater performances and religious activities. Many times the families will contact the educational interpreter or the teacher of the deaf working with the child, asking that she perform the interpretation service. This allows the child the ability to receive information from someone who knows his language level and has an established rapport. Also, it saves the family or organization the portal-to-portal costs. These educational interpreters and teachers are



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Testimony SB 255
Department of Public Instruction
November 24, 2003

The Department of Public Instruction supports Senate Bill 255 and in particular the provision that provides an exception to the requirement for Department of Regulation and Licensing licensure for educational interpreters who hold licensure from the Department of Public Instruction.

The demands of educational interpreters are very different from those for platform interpreters who are required to hold the DRL license.

- Educational interpreters must understand classroom operation and how to work to support the teacher's instruction.
- They must understand language development of children who are deaf and hard of hearing.
- Educational interpreters must understand language milestones of the individual child, including that child's level of competency to understand ASL and to use it.
- They are required to facilitate socialization activities among the child's hearing peers in a sensitive, unobtrusive manner.
- A very different requirement from other forms of interpretation relates to the need to interpret not just what is said but to interpret concepts until the child understands them. This requires some knowledge of the subject matter the interpreter is translating.
- Educational interpreters provide interpreting services for children during co-curricular and extra-curricular activities.

Educational interpreters provide educational support for children who are deaf and hard of hearing. As such, they require training and subsequent licensure that is grounded in the educational environments in which they will function.

Submitted by:
Stephanie Petska
Director of Special Education

~~CR~~ - want confidentiality addressed either through rule or

11-24-03

Rec Rakow, Margaret

SB 255

Matt Phillips / Colleen Keating

- Problems of unqualified individuals serving deaf + hard of hearing.
- Can be critical in mental health situations, medical, police, etc.
- interpreters provide critical access to deaf + hard of hearing -
- RID: stable national standard. Have put in \$1.0 million in reworking nat'l test. Provide nationally accepted stds.
- Bill would provide consumer with "proof" of education / credibility. Are you certified ... yes/no.
- State does have system in place for interpreters
DPI + Court interpreters.

→ educational work in school settings w/ DPI license.

↓ State has training course that is req. for interpreter to be certified.

* DK: why not ~~set~~ same stds. to all -
include educational or Supreme Ct.

Coban: Some people agree but not enough support.
- This bill is a stepping stone.

DK Jacqueline - info only

- 200-600 mt. may become litigated
- no boards or advisory Committee in bill to help Dept in promulgating rules. So, DK would have to hire a group.
- H.C. matters could be disclosed. ~~the~~
- Reg. would ~~ca~~ place undue harm on small businesses.
- concerned that this bill will put a further strain on rural areas - more difficult for people to practice.

Robson - ex. of small business burden.

Jacq: Someone has to bear burden of cost of this additional layer of licensure.

* DK request: Other states - wants DK to look @ what other states have in place in terms of licensure for interpreters.

* Also need to address confidentiality issue

* DRL found website
www.rid.org

Stephanie Petzka, DPI written submitted
- UK interested @ some pt. to require more from
DPI interpreters to follow through with ~~cert~~
Additional req. to get a DRL license.

Jane Snee - Supports .. but:

- Family Situation → doesn't feel interp. in hospital
she has had exp. w/ ~~works~~ are qualified.
- She is RID certified
- Children have a right to have qualified interpreters.
- RID does have a code of ethics

CR → this could be used for DRL to look @

Lisa Perry Burckheart

- Supports
- born deaf
- had a problem w/ tol - had a bad interpreter.
Doc gave pres. for vit. C and she was like,
"what!" She took off her shoes + socks to
show the doc what she was saying.
- MN does have licensure - may want to check
that out.

Kat Ann - supports

- Prof. Interp. enterprise
- Assign interpreters statewide
- easy to hire interpreters who are unqualified / untrained.

Linda Russell

- WJ Assoc. of deaf - Pres.
- Supports + thanks Keelzie for sponsoring bill.
- Deaf + has a deaf child.
- everyday deaf deal with untrained interpreters.
Results can be tragic / catastrophic
- Prison system also an issue - people may be wrongly convicted.
- Another ex. man who was deaf w/ mental illness / during an emergency detention - person who could barely sign provided mis information. Only way caught child's parent was there + caught mistake.
- Pass bill w/out revision.

CR quest. - wants to exempt churches

Address interp. in churches. CR reading from

David + Beth ~~worst~~ worst e-mail.

Response: (1) on behalf of Assoc.

- in appropriate to comment on religious issues.
- like to see bill passed.

(2) Has a person - as Linda Russell - she has a concern about interp. providing services in faith based organizations.

- Yes - churches should be included - churches should hire certified interpreters.

→ District

Helen Manojlovich - against

- coordinator of interp. services (CESTA Co)
- may have ~~some~~ unanticipated neg. consequences.
- not easy to find an interp. that holds an RID Cert. outside of Milwaukee.
- may cause problems for rural schools.
- strict lic. requirements for every day situations will not help interp. Barrier to services. (CESTA Co helps families find interp. for the child outside of the school setting).

* CR Clarify + You think teachers cert. by DPI

should be able to provide services for extra curricular activities

CR requested list of activities

James Behrminger

- Opposed Submitted testimony
- interp. in church only know church services / not qualified most of the time to interpret elsewhere.
- churches want to cont to provide compensation to its interpreters.

Carol Schweitzer

- Supports
- e-mails to CR / her testimony.
- opposed to jail time in bill / stiffer than drunk driving bill.

*CP wants to work with to work out modifications

Marge Niberska - Aznoe : supports

- Rep. Self
- Most interpreters up north are educational interpreters.
 - most RID cert. mt. are in private. - where the white collar workers are.
- Up north - they are blue collar - dependence on those who are cert. by DPI.
- 4 nat'l cert. mt. in north. (not very accessible)
- They beg int. up north to get DPI certified.
- Hospitals call constantly - where can we get mt.
- need to apply lic. requirement to everyone / including DPI cert.
- N.E. hosp. had to import people ~~and~~ from mke.
- Need to meet a minimum level of skill - REGARDLESS of Population Serving.
- 70% of parents of deaf kids do not learn sufficient Signing Skills.
- deaf children learn signing through interpreters.
- Sev. examples of medical + employment mishaps.
- state test is an assessment - ~~has~~ assess how good your ASL + transliterary skills are.
- Has 2 mt. who are cert and she would ~~be~~ fire if licensure was in place.
- Need in Bk in wh. what an interp. is.
- if no one exempt - how is this going to help get more mt.

Ans They will all be willing to take test / mt state. or will not work.

Christina SKOCZYNSKI — supports / behalf of self

- Past 18 yrs. (has been int).

- supports exempting K-12

- Believes K-12 ~~is~~ tests are becoming more & more strict. - new test just put into place.

Rhonda Thompson Support ... but

* Husband let go of job @ one pt in life due to no int. Hi-liter Graphics - Burlington owner Jerry Hertz

- Has filed a lawsuit against.

- She has req. an int. 2 mos. in adv. for a class. 5 days before class told that an int. would not be avail + class was taken away.

- She was fired at one pt. (~~at one pt.~~)

- Problems interpreting in hospital for husband. @ Aurora ~~the~~ in Kenosha.

- wants bill tightened. UW system.

- Some prisoners in DOC ~~do not~~ do not get interpret. services.

- Exempt Church int. Believes church + members can work it out.

- Moved to work. City - been through 11 temp ~~jobs~~ agencies looking for jobs.

Marsha Speers - Supports w/ exemption of educational interpreters. → currently m/b

- Teacher of deaf since 1973.
- scarcity in quality applicants - exemption will worsen.

⊖ Outside activities - sports, plays etc. It is school's responsibility to provide services.

OK wants to continue dialog -

do it appropriately in community settings.

It's community events that are a problem. Swim lesson etc - no one to pay for interpreter - school should pay.

OK not on board with activities not school related like swim lessons.

BUT if the community events - hire someone could hire a DPZ cert. int.

Leonard Peacock supports

- teacher (deaf) @ ~~university~~
- went through a man's program @ univ. med. - not interpreter

David Letkiewicz

* Texas has excellent lip skills.

*

Bill ^{Brian} ~~David~~ Zak Gibb Supports

- Basic Rt for Deaf + Hard of Hearing
- don't exempt anyone 100% - gives them time if nec.

JK Ask state to get into on Texas

Allison Sanchez : Supports bill @ 100%

- Has seen changes in DPI lic.
- teacher of deaf.
- Parent.
- bad exp. in hospitals
- ex/ friend given b-Control pills when she actually wanted to get pregnant.

CK would like to see bill on Sen. Floor Session in Jan

Check MN, Texas + FL ~~CA~~ lic. for interpreters.

Margaret James supports MATC + self

- supports educational exemption
- Children deserve the best interpreters!!
- RID Cert. far exceeds that of the Supreme Ct.
- Hosp. (Bilingual, medical int) only need 10 hrs. of training.
- Cert program 250 hrs. req. (where she teaches).

Halbur, Jennifer

From: Colleen M. Keating [colleen.keating@wsd.k12.wi.us]
Sent: Wednesday, November 26, 2003 10:16 AM
To: Sen.kedzie@legis.state.wi.us; Sen.roessler@legis.state.wi.us
Subject: Testimony on 255 from the WI Council for the D/HH



Council Letter to
Committee.do...

The attached letter is a written summary of the comments/testimony made at the beginning of the 11/24/03 hearing on Senate Bill 255 by Colleen Keating for the Council on the Deaf and Hard of Hearing, sponsors of the bill through Senator Kedzie's office.

SB255 11-26-03

Conversation w/ Matt Philips

Re: CR's concerns w/ SB255

① Confidentiality - Privileged Communications
issue

Matt agrees: something should be done.

② Exempt Churches

Matt thinks this is doable but has the following suggestion to take care of churches and other exemptions that may be wanted:

* Allow the deaf consumer to agree to waive the reg. for state licensure if he or she wants to.

Marge Niberske - ^{up}North

- She thinks everyone should be reg. to meet the new stds.
- Make everyone do this - then all educators up north will have to be licensed. - There won't be a shortage.

Flip side of this is that they (educators) should be exempt outside of the school setting - so that there are more available interpreters

- ③ Matt has a tech change.
- ④ Matt looking @ other states:
Texas, FL, MN
- ⑤ Matt looking @ allowing out of state int. to provide services in state: ex/ Rockford interpreters provide service in WI.
- ⑥ Matt looking @ extra civilizer activity issue.
- ⑦ Need to tighten Supreme Ct laws to reflect that Sup Ct. licensed people need new licensure when practicing outside of the court setting.
- ⑧ National license issue - 2yr grandfather needs tightening to ensure someone from a diff. state doesn't move here after the 2yr period + get grandfathered.