

PUBLIC NOTICE

EDUCATION

STATE BOARD OF EDUCATION

Notice of Action on Petition for Rulemaking

State Board of Examiners and Certification

Educational Interpreter

Educator Effectiveness

Evaluations of Educational Interpreters

N.J.A.C. 6A:9B-14.18, 6A:9C-4.6, and 6A:10-2.6

Petitioner: Cynthia L. Williams.

Take notice that on July 19, 2018, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner requesting that the State Board amend N.J.A.C. 6A:9B-14.18 to change the requirements for an educational interpreter endorsement and to add requirements for a substitute educational interpreter. The petitioner also requested new rules at N.J.A.C. 6A:9C to establish unique professional development requirements for educational interpreters and at N.J.A.C. 6A:10 to establish distinctive evaluation requirements for educational interpreters. As the originally filed petition lacked the specific new rules sought, the petitioner provided the new rules on August 5, 2018.

A notice acknowledging receipt of the petition was published in the September 17, 2018, New Jersey Register at 50 N.J.R. 2028(a). A notice of action stating that additional time was needed to deliberate about this petition was published in the November 5, 2018, New Jersey Register at 50 N.J.R. 2262(a).

The petitioner stated educational interpreters are part of the educational team and help support the educational goals and outcomes defined in a student's individualized education program (IEP). The petitioner also stated that educational interpreters must think about the development of important domains (that is, cognitive, social, and linguistics) when interpreting for students. The petitioner further stated that educational interpreters are language models for students and work with developing children, which must be reflected in the interpreters' everyday practice. The petitioner stated the following amendments will provide the best educational interpreters for students in a preschool through grade 12 (P-12) academic setting.

The petitioner requested amendments to require the holders of any of the three endorsements to hold a bachelor's or higher degree, rather than the currently required high school diploma, GED, or associate or higher degree. The petitioner stated that requiring a bachelor's degree would provide educational interpreters with a broader scope of knowledge while interpreting in the classroom and would align with requirements to earn the National Interpreter Certificate from the Registry for Interpreters for the Deaf.

The petitioner also requested amendments to require the holders of any of the three endorsements to pass the Educational Interpreter Performance Assessment (EIPA) Written Test and Knowledge standards. The petitioner further requested reducing the number of required semester-hour credits of professional education coursework to three from 15 for each of the three endorsements and to eliminate the requirement that the coursework includes study in child, language, and curriculum development, legal and ethical issues for educational interpreters, and methods of instruction. The petitioner recommended that a three-credit course in interpreting for deaf-blind students be maintained.

The petitioner stated New Jersey is the only state that requires academic coursework and 15 states utilize the EIPA Written Test, which covers domains that align with four of the courses required by New Jersey. The petitioner also stated the EIPA Written Test would be a suitable replacement for the required coursework, as there is a decline in the number of candidates willing to take the required 15 credits. The petitioner stated replacing the 15 credits with the EIPA Written Test will allow candidates who are certified in other states to be eligible for the endorsement in New Jersey without having to take additional coursework and assuming the related costs.

The petitioner stated maintaining the three-credit requirement in interpreting for deaf-blind students coursework is important because New Jersey has a high rate of deaf-blind students in the educational system and educational interpreters should know how to work with deaf-blind students. The petitioner recommended allowing candidates to receive a provisional endorsement until they earn the three credits in interpreting for deaf-blind students and providing a two-year window to take the course.

The petitioner also requested amendments to the sign language interpreting endorsement rules at N.J.A.C. 6A:9B-14.18(b) to increase the required minimum score on the EIPA to four from three. The petitioner stated New Jersey was one of the first states to adopt the EIPA for educational interpreters and included a required minimum score of three, so the State would not lose interpreters already working in P-12. The petitioner further stated it was obvious that many educational interpreters were not qualified to be in the classroom with deaf, hard-of-hearing, and deaf-blind students. The petitioner also stated a score of three is an intermediate level that indicates educational interpreters are not fluent in American Sign Language (ASL), need continued supervision, and should be required to participate in continuing education in

interpreting. The petitioner stated that supervision or continuing education in interpreting are unlikely since most educational interpreters work in isolation within a school district. Twenty-three states currently require an EIPA score of 3.5 and 10 states require a 4.0, with a maximum EIPA score of five, according to the petitioner.

The petitioner further requested an amendment at N.J.A.C. 6A:9B-14.18(d) to require a candidate for the cued speech transliteration endorsement to pass the Educational Interpreter Performance Test for Cued Speech with a score of four or higher rather than the current requirement for a candidate to demonstrate interpreting skills as evidenced through the possession of a cued speech transliteration certificate from an accrediting agency approved by the Department of Education (Department).

The petitioner also requested new rules to set the following requirements for a candidate to be eligible for the standard educational service certificate with a deaf sign language interpreter endorsement: have a high school diploma, a GED, or an associate or higher degree; demonstrate interpreting skills as evidenced through the possession of a certified deaf interpreting certificate from a Department-approved accrediting agency or a sign language proficiency evaluation certificate from a Department-approved accrediting agency of “advanced” level or higher; take the EIPA Written Test and Knowledge Standards; and take a three-credit course in deaf-blind interpreting in an accredited college. The petitioner stated it is important to create the endorsement because many states are already using deaf interpreters in the classroom and pending State legislation (A-1896) would require the use of deaf interpreters in the educational system.

The petitioner also provided the EIPA and Educational Interpreter Performance Test for Cued Speech rating system, domains, and standards for the Department’s review.

The petitioner further requested the deletion of existing N.J.A.C. 6A:9B-14.18(e), (f), and (g), which allow for the issuance and renewal of emergency educational interpreter certificates in sign language interpreting, oral interpreting, and cued speech transliteration. The petitioner stated elimination of the emergency certificates will protect deaf and hard-of-hearing students because it would ensure that properly credentialed interpreters are providing services. The petitioner also stated there should be a consequence for school districts that hire unqualified interpreters rather than relying on parents to file for due process if students are not receiving appropriate services. The petitioner stated due process works only when parents understand the process and most minority parents of deaf or hard-of-hearing students are grateful for the services their children receive and would never question an administrator's or a school's practices. The petitioner also stated appropriate supervision and yearly evaluations will document whether educational interpreters are qualified to continue working in a classroom.

The petitioner requested new rules for candidates to be eligible as a substitute educational interpreter to hold an EIPA with a minimum score of 4.0 or demonstrated interpreting skills as evidenced through the possession of a sign language certificate from the Registry of Interpreters for the Deaf, the National Association of the Deaf, or other Department-approved national accrediting agencies for sign language interpreting. The petitioner's requested new rule also would allow substitute educational interpreters to be employed up to three months and would require a school district to hire a temporary, full-time educational interpreter with a standard endorsement if a substitute interpreter is needed for more than three months. The petitioner stated there is a lack of substitute interpreters available in the educational setting due to lower pay than someone can earn as a community interpreter, so educational interpreters should be paid at higher rates than school districts pay substitute teachers.

The petitioner also requested new rules at N.J.A.C. 6A:9C to require 10 of the 20 hours per year of required professional development for educational interpreters be focused on interpreting knowledge and skills to provide interpreters better opportunities to improve their level of interpreting in the classroom, which the petitioner stated is important for student learning. The petitioner also requested new rules to require the professional development for educational interpreters to encompass a broad range of professional learning that contributes to improved practice in educational interpreting. The petitioner further requested new rules to require each district board of education to ensure all educational interpreters receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective professional development plans. The petitioner stated educational interpreters often are isolated within a school district and currently are required to attend professional development in-services that cover topics required for all school employees, but do not pertain to educational interpreting.

The petitioner further requested new rules at N.J.A.C. 6A:10 related to the evaluations of educational interpreters. The petitioner requested a new rule to require educational interpreters to be evaluated on the quality of interpretation and the use of language the child is receiving in the classroom. The petitioner also requested a new rule to require the review of interpreting skills to be completed by consultants with the knowledge and skills to evaluate interpreters. The petitioner stated most educational interpreters are supervised and annually reviewed by a teacher or supervisor from the disability office. The petitioner also stated there are few supervisors who are fluent in ASL-English interpreting and who would know whether an educational interpreter is qualified or improving his or her knowledge and skills. The petitioner further stated there are many qualities a supervisor may look for when reviewing an educational interpreter, but the

emphasis should always be on the quality of interpretation and the use of language the child is receiving in the classroom.

The petitioner also requested the formation of a State Educational Interpreter Diagnostic Team in the Office of Certification or the Office of Special Education to provide school districts with governance and to ensure the quality of interpreting teams. The petitioner stated interpreter educators and experienced interpreters who are qualified to evaluate skill levels could be utilized by the diagnostic team to review videos of educational interpreters taken by supervisors as part of a yearly evaluation. The petitioner also suggested the results of the review would be provided to the interpreter's supervisor to complete the yearly evaluation and the cost of the reviewers would be paid for by the school district through consulting fees.

The Department's Division of Student Services has been researching this issue and is in the process of establishing an advisory group to focus on a broad spectrum of needs related to deaf education Statewide. The items indicated in the petition will be addressed by the advisory group. It is anticipated that community forums will be held as a component of obtaining input from stakeholders regarding how to include in the educational setting the communication accessibility needs of students who are deaf or hard of hearing. The petitioner will be invited to give input or to be a member of the advisory group, pending membership approval.

Amendments to the New Jersey Administrative Code that are recommended by the advisory group will be reviewed by the Department and initiated in a future rulemaking, as appropriate.

Therefore, the petitioner's request is hereby denied.