

## **PUBLIC NOTICE**

### **EDUCATION**

#### **STATE BOARD OF EDUCATION**

##### **Notice of Receipt of 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 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 petition also requests new rules at N.J.A.C. 6A:9C to establish unique professional development requirements for education interpreters and at N.J.A.C. 6A:10 to establish distinctive evaluation requirements for education interpreters. As the originally filed petition lacked the specific new rules sought, the petitioner provided the new rules on August 5, 2018.

The petitioner specifically requests the State Board adopt amendments to N.J.A.C. 6A:9B-14.18, which establishes requirements for educational interpreter endorsements to the standard educational services certificate in three areas: sign language interpreting, oral interpreting, and cued speech transliteration, to change the endorsement requirements effective September 1, 2019.

The petitioner states 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 states educational interpreters must think about the development of important domains (that is, cognitive, social, and linguistics) when interpreting for students. The

petitioner further states educational interpreters are language models for students and work with developing children, which must be reflected in the interpreters' everyday practice. The petitioner states the following amendments will provide the best educational interpreters for students in a preschool through grade 12 (P-12) academic setting.

The petitioner requests 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 states 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 requests 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 requests 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 recommends that a three-credit course in interpreting for deaf-blind students be maintained.

The petitioner states 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 Administrative Code. The petitioner also states 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 states 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 states 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 requests 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 states 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 states 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 states 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 states 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 requests 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 a Department-approved accrediting agency.

The petitioner also requests 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 states 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 requests 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 states 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 states 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 states 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 states appropriate supervision and yearly evaluations will document whether educational interpreters are qualified to continue working in a classroom.

The petitioner requests 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 states 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 requests 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 requests 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 requests 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 states 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 requests new rules at N.J.A.C. 6A:10 related to the evaluations of educational interpreters. The petitioner requests 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 requests 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 states most educational interpreters are supervised and annually reviewed by a teacher or supervisor from the disability office. The petitioner also states 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 states 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 requests 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 states 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 suggests 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.

**Full text** of the requested amendments and new rules are as follows (additions in boldface **thus**; deletions in brackets [thus]):

6A:9B

STATE BOARD OF EXAMINERS AND CERTIFICATION

SUBCHAPTER 14. REQUIREMENTS FOR EDUCATIONAL SERVICES CERTIFICATION

6A:9B-14.18 Educational interpreter

- (a) Effective September 1, [2005] **2019**, the educational interpreter endorsement shall be required for individuals who provide educational interpreting services, sign language

interpreting, oral interpreting, or cued speech transliteration to students who are deaf, hard of hearing, or deaf-blind in preschool through grade 12.

(b) To be eligible for the standard educational services certificate with a sign language interpreting endorsement, a candidate shall:

1. Hold [an associate] **a bachelor's** or higher degree from a regionally accredited college or university and complete the following:

i. The Educational Interpreter Performance Assessment (EIPA) with a minimum score of [three] **four**; [and]

**ii. Pass the EIPA Written Test and Knowledge standards; and**

[ii.] **iii.** [Fifteen] **Three** semester-hour credits of professional education coursework that includes study in [child development, language development, curriculum development, methods of instruction,] interpreting for deaf-blind students[, and legal and ethical issues for educational interpreters]. Such study may be part of, or in addition to, the degree program and may be completed at an accredited two-year college; or

2. Have a high school diploma or a General Education Diploma (GED); 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; and complete the following:

i. The EIPA with a minimum score of [three] **four**; [and]

**ii. Pass the EIPA Written Test and Knowledge standards; and**

[ii.] **iii.** [Fifteen] **Three** semester-hour credits of professional education coursework that includes study in [child development, language development, curriculum development,] interpreting for deaf-blind students[, legal and ethical issues for educational interpreters, and methods

of instruction]. The study may be completed at an accredited two-year college.

(c) To be eligible for the standard educational services certificate with an oral interpreting endorsement, a candidate shall:

1. Have a [high school diploma, a GED, or an associate] **a bachelor's** or higher degree;
  2. Demonstrate interpreting skills as evidenced through the possession of an oral interpreting certificate from a Department-approved accrediting agency; [and]
  3. **Pass the EIPA Written Test and Knowledge standards; and**
- [3.] 4. Complete [15] **three** semester-hour credits of professional education coursework [that includes] study in [child development, language development, curriculum development,] interpreting for deaf-blind students[, legal and ethical issues for educational interpreters, and methods of instruction]. The study may be completed at an accredited two-year college.

(d) To be eligible for the standard educational services certificate with a cued speech transliteration endorsement, a candidate shall:

1. Have a [high school diploma, a GED, or an associate] **a bachelor's** or higher degree;
  2. [Demonstrate interpreting skills as evidenced through the possession of a cued speech transliteration certificate from a Department-approved accrediting agency; and] **Pass the Educational Interpreter Performance Test for Cued Speech with a four or higher;**
  3. **Pass the EIPA Written Test and Knowledge standards; and**
- [3.] 4. Complete [15] **three** semester-hour credits of professional education coursework [that includes] study in [child development, language development, curriculum development] interpreting for deaf-blind students[, legal and ethical issues for



educational interpreters, and methods of instruction]. The study may be completed at an accredited two-year college.

- [(e) An emergency educational interpreter certificate in sign language interpreting may be issued to a candidate with a high school diploma or GED and who has completed the EIPA with a minimum score of three. The emergency certificate may be renewed a total of three times.
- (f) An emergency educational interpreter certificate in oral interpreting may be issued to a candidate with a high school diploma or GED and an oral interpreting certificate from a Department-approved accrediting agency. The emergency certificate may be renewed a total of three times.
- (g) An emergency educational interpreter certificate in cued speech transliteration may be issued to a candidate with a high school diploma or GED and a cued speech transliteration certificate from a Department-approved accrediting agency. The emergency certificate may be renewed a total of three times.]
- (e) To be eligible for the standard educational service certificate with a deaf sign language interpreter endorsement, a candidate shall:**
  - 1. Have a high school diploma, a GED, or an associate or higher degree;**
  - 2. 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;**
  - 3. Take the EIPA Written Test and Knowledge Standards; and**
  - 4. Take a three-credit course in deaf-blind interpreting in an accredited college.**
- (f) To be eligible as a substitute educational interpreter, candidates shall 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.**

- 1. Substitute educational interpreters may be employed up to three months. If the substitute interpreter is needed longer than three months of time, the school district shall hire a temporary, full-time educational interpreter with standard endorsement.**

6A:9C

## PROFESSIONAL DEVELOPMENT

### SUBCHAPTER 4. DISTRICT-LEVEL, SCHOOL-LEVEL, AND INDIVIDUAL PROFESSIONAL DEVELOPMENT REQUIREMENTS

#### **6A:9C-4.6 Educational interpreters**

- (a) Each educational interpreter shall create, implement, and complete an individual professional development plan (PDP) that includes at least 10 hours per year contributing to improved practice in educational interpreting in addition to required workshops provided by the school.**
- (b) Professional development shall encompass a broad range of professional learning that contributes to improved practice in educational interpreting.**
- (c) Each district board of education shall 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 PDPs.**

EDUCATOR EFFECTIVENESS

SUBCHAPTER 2. EVALUATION OF TEACHING STAFF MEMBERS

**6A:10-2.6 Evaluations of educational interpreters**

- (a) Educational interpreters shall be evaluated on the quality of interpretation and the use of language the child is receiving in the classroom.**
- (b) Review of interpreting skills shall be completed by consultants with the knowledge and skills to evaluate the educational interpreters.**

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.