



Matthew L. Blomstedt, Ph.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

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TO: State Board of Education

FROM: Scott Summers, Legal Counsel III *SS*
Commissioner's Appointed Staff Person to Conduct Rule Hearing on revisions to Title 92, Nebraska Administrative Code, Chapter 51, *Regulations and Standards for Special Education Programs*

DATE: November 18, 2015

RE: Summary of Hearing on Proposed Revisions to 92 NAC 51

On October 8, 2015, the Commissioner approved a hearing draft and set a hearing date and location as well as designated a staff person to conduct a hearing on the adoption of proposed revisions to Title 92, Nebraska Administrative Code, Chapter 51. By a memorandum dated October 15, 2015, the Commissioner appointed me to conduct the hearing on this Rule on November 18, 2015, commencing at 2:00 p.m. (CT), 1:00 p.m. (MT). After the proper legal notice was published, the hearing was held at two separate videoconference sites: **Lincoln** – Nebraska State Office Building, Nebraska Department of Education, 301 Centennial Mall South, 6th floor, State Board Meeting Room, Lincoln, NE and **Scottsbluff** – Scottsbluff Vocational Rehabilitation Office, 505A Broadway, Suite 500, Scottsbluff, NE. Pursuant to State Board of Education Policy B9, what follows is a written summary of the hearing testimony.

A recording of the hearing is available if any members of the Board wish to hear or view it.

SUMMARY OF TESTIMONY ON THE PROPOSED REVISIONS TO 92 NAC 51

Scott Summers, Legal Counsel III and the hearing official, called the hearing to order, read into the record the name of the newspaper in which legal notice of the hearing was published and the date the notice appeared, and outlined the procedures for the hearing.

Mr. Summers then introduced NDE staff member, **Teresa Coonts, Education Specialist III, Diverse Populations – Office of Special Education, Nebraska Department of Education**. **Ms. Coonts** explained that the majority of the proposed changes in Rule 51 are specific to Section 10 of the Rule. Please see **Ms. Coonts** written testimony attached.

LINCOLN VIDEOCONFERENCE SITE

John C. Wyvill, JD, Executive Director, Nebraska Commission for the Deaf and Hard of Hearing. Mr. Wyvill testified in support of the proposed revisions to Rule 51, which he believes will improve educational opportunities for students who are deaf and hard of hearing in the State of Nebraska. Mr. Wyvill has submitted formal written comments from a diverse group of stakeholders that have been on record in favor of supporting the proposed changes to Rule 51. Their written testimony is attached.

These groups include: **Nebraska Commissioner for the Deaf and Hard of Hearing; The National Association of the Deaf (NAD); Kevin Williams, Sr. Faculty/Lecturer Co-Author, Educational Interpreter Performance Assessment (EIPA); Registry of Interpreters for the Deaf, Inc.; Nebraska Registry of Interpreters for the Deaf (neRID); Nebraska Association of the Deaf (NeAD); and, Barbara Woodhead, Sign Language Interpreter, Interpreter Trainer/Mentor.**

Kristen Larsen, Executive Committee, Nebraska Special Education Advisory Council (SEAC). Ms. Larsen testified in support of the proposed changes in Rule 51 regarding the qualifications of educational interpreters. Ms. Larsen's written testimony (attached).

Dr. Peter Seiler, Education Advocate, Nebraska Association of the Deaf, testified in support of the proposed revisions to Rule 51. Dr. Seiler testified that the Association "... applauds the courage of the State Board of Education with the proposed rule changes to increase the requirements for interpreters who want to be qualified through the EIPA. We specifically applaud raising the score requirements from the 3.5 to 4.0 level. We also want to applaud the Department of Education's staff and those people who have worked hard this past summer to develop the rule changes in the specific language. We believe that it is excellent and our Board has people, at the Nebraska Association of the Deaf, who themselves went to the School for the Deaf and went to hearing schools with interpreters or went to hearing schools without interpreters, myself for example. We represent a wide spectrum of deaf and hard of hearing people who used to be children. And, now we are seeing changes that we feel will not allow our deaf and hard of hearing children to be left behind. We appreciate that the Nebraska Board of Education wants to move forward with quality education."

Written testimony was received from Chris Marvin, Ph.D., Professor, Department of Education and Communication Disorders, University of Nebraska-Lincoln, on behalf of faculty members dedicated to the preparation of highly qualified early childhood educators who can serve in the role of special educator. Dr. Marvin emphasized their three points of concern regarding the proposed revisions to Rule 51. Please see Dr. Marvin's written testimony (attached).

SCOTTSBLUFF VIDEOCONFERENCE SITE

No one testified.

No other oral or written testimony was received.

Summary of Changes to Rule 51

The changes are specific only to Section 10 of Rule 51.

010.01D The first proposed revision of Rule 51 is to incorporate the changes made in Rule 24 regarding the special education endorsements titles which are already included in Rule 24

The second changes are specific to qualified educational sign language interpreters.

Changes include the following:

-Added the requirement to have a high school diploma, high school equivalency diploma or higher, and meet the requirements of professional development hours.

-Added language to include passing score on the EIPA written exam, and to increase the EIPA level from 3.5 to 4.0

-Added language to support current educational interpreters to section 010.06A2 which allows educational interpreters providing sign language interpreter services in a school district or approved cooperative for two consecutive school years immediately prior to the effective date of this Rule shall be considered qualified educational sign language interpreters if: the individual has attained a competency level of 3.5 or higher on the EIPA, and the individual has met the requirement of the professional development hours

Changed section 010.06D, changed minimum competency level of 2.5 to 3.0 and increased the number of professional development hours from 30 to 40 clock hours per year

Changed section 010.06F, increased the amount of professional development from 20 to 24 clock hours, and providing details on what the professional development topics should include.

**Testimony - Teresa Coonts
Diverse Populations-
Office of Special Education
November 18, 2015**



Media Contact:
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For Immediate Release:

November 18, 2015

NCDHH Supports Proposed Rule 51 Changes Which Will Lead to Improved Educational Opportunities for Students who are Deaf and Hard of Hearing

The Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) is in favor of the proposed Rule 51 rule change that will increase the minimum standards of the Educational Interpreter Performance Assessment (EIPA) for new interpreters hired in Nebraska Public Schools.

Proposed Rule 51 change will ensure Nebraska Public Schools can provide appropriate education for students who are Deaf and Hard of Hearing

NCDHH is in agreement with Boys Town National Research Hospital in Omaha, Neb. that one of the biggest factors impacting the educational outcomes of students who are Deaf or Hard of Hearing is the interpreter. A competent and proficient interpreter is required to provide communication access in the classroom. When the educational interpreter lacks such skills, students cannot access the full content of the classroom.

Proposed Rule 51 change reflects a unified, diverse stakeholder consensus agreement

Stakeholders including Department of Education representatives, public school representatives, advocates, interpreters, and nationally recognized deaf education experts. This recommendation is also a continuation of the work done by the LB 287 workgroup that was created by Senator Haar. One of the recommendations by the LB 287 workgroup was to raise the EIPA minimum standards from 3.5 to 4.0.

Proposed Rule 51 change reflects a pragmatic, common sense approach to raise the minimum interpreter standards in Nebraska Schools

The proposed rule reflects a balanced approach of focusing on new hires and providing flexibility for school districts to address a potential challenges with the existing interpreter workforce; also with the understanding that **full** access is needed for academic success of the deaf and hard of hearing students in the classroom.

The companion Technical Assistance Guide will provide a road map for success for the implementation of this rule

The Technical Assistance Guide (TAG) will address any of the possible implementation concerns that school districts will face.

Proposed Rule 51 change is consistent with the Nebraska Board of Education Values and Beliefs

Implementation of the proposed Rule 51 change will enhance the educational and employment outcomes of students who are Deaf and Hard of Hearing. Ensuring communication access is provided is consistent with the values instilled in "Every Student, Every Day".

Parents, Advocates, Nationally recognized Deaf Education Experts, and others all support the need to raise the EIPA standards in Nebraska Public Schools.

"As the NeAD Education Advocate for Deaf and Hard of Hearing children in Nebraska, I am in support of the proposed Rule 51 changes for educational interpreters and, in particular, raising the acceptable EIPA score from 3.5 to 4.0. Our Deaf and Hard of Hearing children should not be subjected to lesser quality of education than their hearing peers." –*Dr. Peter Seiler, Education Advocate, Nebraska Association of the Deaf*

"On behalf of all the Deaf and Hard of Hearing children, I am pleased to see the increased qualification for educational interpreters who use EIPA as their qualification for classroom interpreting. The Nebraska Association of the Deaf has its mission to advocate for quality of life in Nebraska. That includes to making sure our children who are either deaf or hard of hearing deserve equal access to educational resources and receive the same high quality of education that children who can hear receive." –*Jonathan Scherling, President, Nebraska Association of the Deaf*

"As Mental Health Specialist for the Nebraska Commission for the Deaf and Hard of Hearing and longtime advocate for people who are Deaf and Hard of Hearing, I offer this statement of support in raising the EIPA Standards to 4.0. Rather the need for interpreter services is for educational settings or the community at large, the quality of interpreting is essential to all who receive the means of communication." –*Peggy Williams, Mental Health Specialist, Nebraska Commission for the Deaf and Hard of Hearing*

"As states strive to provide free and appropriate education to deaf and hard of hearing students, the proposed changes recognize that access to classroom content is highly dependent on the skills of the educational interpreters. As related service providers, qualified sign language interpreters serve a critical role in supporting the linguistic, academic and social objectives of K-12 education. Increasing the professional development requirements and the competency levels of educational interpreters to an EIPA level 4.0, demonstrates that Nebraska, like other states, supports the education of all students, not just those who can hear." –*Barbara Woodhead, Sign Language Interpreter, Interpreter Trainer/Mentor*

Other quotes in support can be found attached.

Enclosure: LB 287 report

NCDHH February 23 Press Release

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Media Contact:
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Kelsey.Cruz@nebraska.gov

For Immediate Release:

Feb. 23, 2015

LR 517 Update: The Next Steps on The Call to Raise Standards of Educational Interpreters in K-12 Classroom Settings in Nebraska

The LR 517 workgroup report includes recommendations for educational interpreters in four areas: Professionalism, Licensure, Mentoring/Training, and Awareness. NCDHH Executive Director John Wyvill presented those recommendations to the State Board of Education earlier this year along with a request to raise the standards for educational interpreters. Mr. Wyvill requested that Educational Interpreter Performance Assessment (EIPA) minimum requirement score be raised from a 3.5 to 4.0. This request would require a change in Rule 51. As with any rule revision process, this will require time and a formal vote by the State Board of Education.

“We applaud the State Board of Education and Commissioner Blomstedt’s willingness to consider a comprehensive plan to raise the standards of educational interpreters in this state. The development of such a plan will take time and must be a collaborative effort between educators, interpreters, parents, advocates and NCDHH. Working together, we can present an effective plan for the State Board of Education to consider.” Wyvill said.

Commissioner of Education Matt Blomstedt notes this process is not a quick fix, nor an easy one. “Changing standards may prove to be complex as we seek to balance the current needs and requirements for the existing interpreters with the desire to improve interpreter services for the future. However, we intend to bring together a stakeholder group to begin that process and anticipate that we can have a reasonable plan to propose to the State Board by this fall. We know that proper training and a focus on professional development are necessary to ensure all students are properly supported in educational environments in addition to any changes in minimum assessment score on the EIPA.

“I appreciate the input and opportunity to engage with the Commission for the Deaf and Hard of Hearing and the Nebraska Association for the Deaf as partners in this effort,” Blomstedt said.

Unified Call From Parents and Advocates To Raise the Standards For Educational Interpreters In the State.

NCDHH is closely working with Nebraska Hands and Voices, Nebraska Association for the Deaf (NeAD), and Hearing Loss Association of America- Omaha Chapter on the need to raise the standards for interpreters in the class room. Below are the statements from the respective organizations:

“Educational interpreters are a vital in providing communication access for Deaf and Hard of Hearing students with all teacher and hearing peers in the classroom and social life. We have long known that lack quality of communication access to classroom can be bought too many disadvantages in Deaf and Hard of Hearing students' education and social life. For instance, children's limited ability to participate in group discussions which count heavily in terms of final grade; vocabulary in how to determine which words was used by interpreters. Many signs have different words, not inclusive meanings.

“We all need to cast aside low expectations for our present and future children. We must fully embrace the idea that all children, regardless of hearing status, can succeed in whatever they pursue if given the opportunity to perform tasks and projects larger than they feel. Second rate is not good enough.”
-Jonathan Scherling, President, NeAD

“Education has long been a tool to suppress and oppress a minority group. Additionally, the lack of information makes it harder to compete with those who can hear. Thus, it is important on two counts to make sure our educational interpreters are of high quality. I cannot imagine anyone wanting to keep our children unprepared for their place in the adult world. Would those same naysayers agree to a lesser standard for their own children? It is time for the State of Nebraska to offer the "Good Life" to our Deaf and Hard of Hearing people.”
-Dr. Peter Seiler, Nebraska State Education Advocate for Deaf and Hard of Hearing Children and Board member for NeAD.

"The key to our deaf and hard of hearing children's success is language development in any type of communication methods or modes. For children using sign language, if we can improve access to language through interpreters, it will improve the standards in the eyes and ears of our children's future.”
-Colleen Richart, Program Counselor, Guide By Your Side

"As parents of deaf and hard of hearing children, we are often expected to accept 'good enough' standards of performance. Access to only 60 percent of classroom information should not be an acceptable standard. 'Good enough' is simply not good enough.”
-Jennifer Racine, President, Nebraska Hands and Voices

“Quality education is a right for all students and is the building block for their future. Students who are deaf miss information without realizing it and rely on the interpreter to facilitate the communication from teacher to student and classmates. This compounds the importance of having interpreters who are able to convey accurately and completely the material presented.

“Yes, there will be “growing pains” as the profession of interpreting expands but together we can make a difference in the lives of our deaf students. And isn’t that what it is all about?”
-Beth Ellsworth, President, Hearing Loss Association of America, Nebraska chapter

The Difference Between Level 3 and 4 Interpreters

In simple terms, here is the difference between Level 3 and 4 Interpreters:

Level 3: Intermediate: Demonstrates knowledge of basic vocabulary, but may lack vocabulary for more technical, complex, or academic topics.....An individual at this level would be able to communicate very basic classroom content but may incorrectly interpret complex information resulting in a message that is not always very clear. An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.*

Level 4: Advanced intermediate: Demonstrates broad use of vocabulary with sign production generally correct.... An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn taking.*

*Schick, B, Williams, K & Kupermintz (2006). Look Who's Being Left Behind: Educational Interpreters and Access to Education for Deaf and Hard of Hearing Students. *Journal of Deaf Studies and Deaf Education* 11:1, page 18.

Why We Must Continue to Work Together

Full communication access in the classroom and social settings in school is a critical component to the educational success of students who are Deaf and Hard of Hearing. In Nebraska, we must ensure that all students are afforded the opportunity to maximize their educational and career opportunities. Raising the minimum standard level of our educational interpreters will help us accomplish that goal.

"We owe it our children to provide them the chance for a better future. We look forward to working with our educational partners, interpreters, parents, students and advocates to craft the plan to raise those standards and improve communication access in the classrooms.

In this process we must provide support to our educational interpreters. The more skills they develop, the easier it is for them to interpret in the classroom. This will leave the interpreters more time to provide the extras: including background conversations within in the class, relationship building between students and their peers and between the student and the teacher. Please remember our educational interpreters will need our support as we work together during this process.

"For the sake of our most precious resource, our students, we must not fail," Wywill concluded.

Below is the link for the LR 517 Report located on NCDHH's website:

http://www.ncdhh.ne.gov/Publications/Dated/LR517_Document.pdf

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Legislative Resolution 517

Steering Committee Members

Margie Propp, NCDHH Board Member

Dr. Frank Turk, NCDHH Board Member

Dillard Delts, Former NCDHH Board Member

Stacy Luther, Nebraska Hands and Voices

Dr. Julie Delkamiller, UNO

Jonathan Scherling, Nebraska Association for the Deaf

Rhonda Fleischer, Department of Education

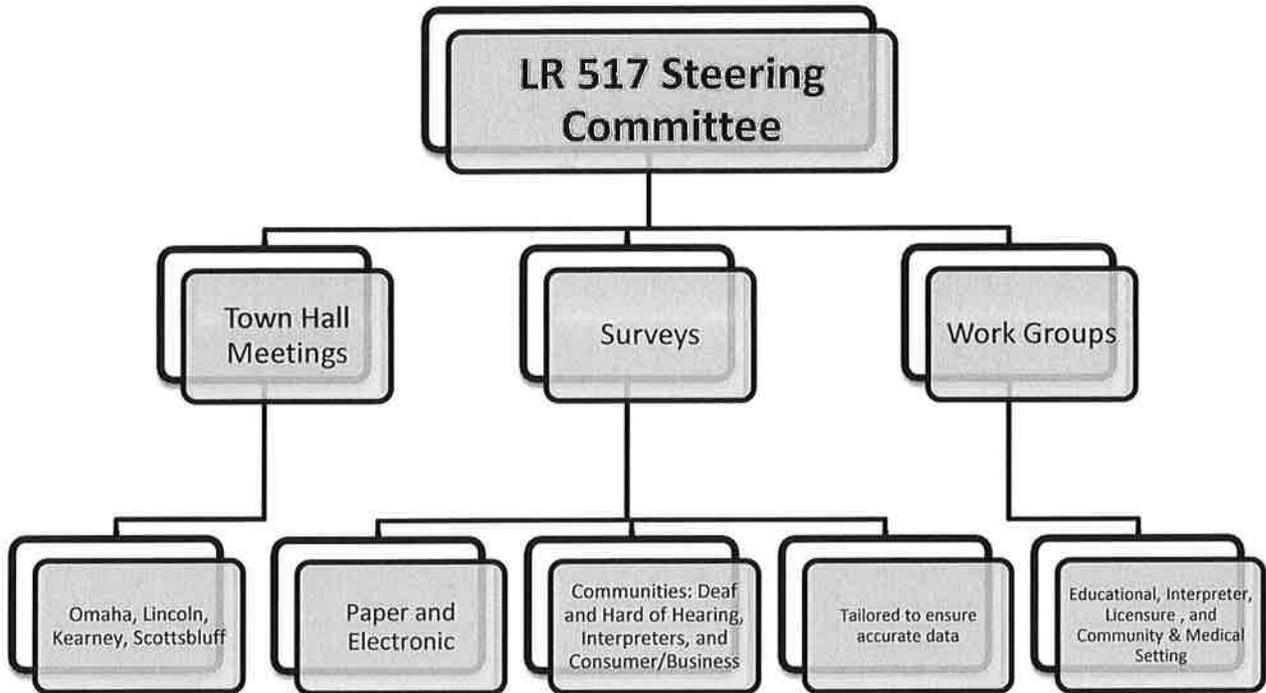
Teresa Coonts, Department of Education

Colleen Richart, Nebraska Hands and Voices/Guide By Your Side

Jerry Siders, Deaf community

Warren Reynolds, Hearing Loss Association of America, Omaha Chapter

All Data Reports to Steering Committee



Workgroup Members

Education

Dr. Peter Seiler, Nebraska Association of the Deaf
John Neal, Lincoln Public Schools
Teresa Coonts, Department of Education
Sara Peterson, Educational Service Unit
Rhonda Fleischer, Department of Education
Jill Bird, Lincoln Public Schools
Stacy Luther, Hands and Voices
Margie Propp, NCDHH Board Member
Kim Frowick, Parent of a Deaf child
Frances Beurivage, Boys Town National Research Hospital

Interpreter

Dr. Frank Turk, NCDHH Board Member
Ben Sparks, Interpreter
Pamela Duncan, Interpreter
Rhonda Rankin, Nebraska Registry of Interpreters for the Deaf
Norm Weverka, Omaha Association of the Deaf
Tami Richardson-Nelson, Creighton University
Carol Helleberg, Grand Island

Licensure

Margie Propp, NCDHH Board Member
Peggy Williams, NCDHH Mental Health Specialist
Rhonda Rankin, Nebraska Registry of Interpreters for the Deaf
Barbara Woodhead, UNL
Gary Theiler, Deaf community
Andrew Snarr, Sorenson

Judy Gouldsmith, Interpreter Coordinator, MCC

Community/Medical

Jonathan Scherling, Nebraska Association of the Deaf

Dr. Peter Seiler, Nebraska Association of the Deaf

Kathleen Valle, Alegent Creighton Health

Kristin McFarland, St. Elizabeth

Kim Davis, NCDHH Field Representative

Carol Brown, LanguageLinc Interpretation Services

Dillard W. Delts, Former NCDHH Board Member

Town Hall Meetings

Town Hall Meetings were conducted in Omaha, Lincoln, Kearney, and Scottsbluff.

Scottsbluff: Thursday, June 12th at Educational Service Unit. More than 30 residents in Western Nebraska came to express need for more services in the surrounding areas.

Omaha: Thursday, September 25th at Swanson Library

Lincoln: Thursday, October 16th at Williams Library. Discussion topics included Interpreter Services in the Educational setting regarding qualified interpreters.

Kearney: Thursday, October 28th at Kearney Police Station Conference Room

Interpreter Survey

Surveys were submitted to the Commission's list of licensed interpreters, as well as distribution help of Nebraska Registry of Interpreters for the Deaf (NeRID), Omaha Association for the Deaf (OAD), Lincoln Association for the Deaf (LAD), Nebraska Association of the Deaf (NeAD), Educational Interpreters, and general community interpreters. Nearly 30 survey results were received. A copy of the survey is listed below:

The most telling results of the survey were answers from two open-ended questions: "In your opinion, are there enough qualified interpreters in Nebraska?" Every survey responded "No" to some areas of Nebraska; specifically Western Nebraska.

The next question was: "As an interpreter, what do you view as a major issue facing interpreters? Why?" The responses were:

- No mentoring program for interpreters

- Ethics: Interpreters need to be trained for scenarios on professionalism and the ability to make ethical decisions given certain situations
- Lack of governance over interpreters: There is little monitoring system to ensure quality and proficiency of interpreters
- Unqualified interpreters working in the education system.
- Testing improvements: The need to explore testing for interpreters; for example: some interpreters may have excellent skill sets in the field, but be lousy test takers
- Lack of skills and experience directly out of an Interpreter Training Program (ITP): essentially “throwing” an interpreter into the interpreting field without substantial training and mentoring
- No evaluation program for seasoned interpreters; there is no peer or professional feedback for interpreters to evaluate their performance
- More workshops and training for interpreters
- More Bachelor Interpreter Studies programs available
- Situational problems within Video Relay Service (VRS) industry, specifically professionalism in the setting.
- The question of uncertainty for interpreters in the future. With rule changes, will interpreters be qualified one day and unqualified the next day?
- Smaller school districts with limited job availability for interpreters; whether it is minimal pay or only part-time offerings.

Steering Committee Meetings

The Steering Committee met a total of five times

- July 22, NCDHH Lincoln office, introduction of steering committee and the plan for all workgroups throughout the following months
- September 29, NCDHH Lincoln office, review progress of work groups thus far
- October 24, NCDHH Lincoln office
- November 21, NCDHH Lincoln office, review of entire work group suggestions for recommendations, make additional comments/revisions
- December 8, NCDHH Lincoln office, final steering committee meeting, review and finalization of all workgroup recommendations.

Each workgroup met various times throughout late summer and fall, discussing areas needing improvement for interpreter quality and availability. These suggestions were then submitted to the Steering Committee to revise and finalize.

Recommendations

Community Interpreters (Community/Medical, Licensing, & Interpreter Workgroup)

Professionalism	Licensure	Mentoring/Training	Promote Awareness
A process to evaluate complaints	All interpreters should be licensed (except religion, educational interpreters)	Develop a mentor program. Similar to Mentoring Interpreters Across Nebraska (M.I.A.N)	Create Job Fairs
Ethics Continuing Education Units (CEUs): related to License renewal	Establish and Maintain a Video Remote Interpreting (VRI) Business License	Enhance & increase Interpreter Training Programs (ITP)	Grant funding for Video Remote Interpreting (VRI) specifically Rural NE
Peer Feedback process: Peer evaluation process of fellow interpreters skills	Grievance Procedures	Collaboration with hospitals	Explore funding sources
Identify/Inform when National Interpreter Certification (NIC) is available in the region		Nebraska Commission for the Deaf and Hard of Hearing, Nebraska Association of the Deaf, Nebraska Registry of Interpreters for the Deaf, and Hearing Loss Association of America work together to create workshops and training	Legislature to recognize American Sign Language (ASL) as World Language
		Mental Health: Create mentoring/shadowing and intensive workshops	

Educational Interpreters

Professionalism	Licensure	Mentoring/Training	Promote Awareness
Funded professional development	Increase Educational Interpreter Performance Assessment (EIPA) license requirement score from 3.5 → 4.0 (in rule 51)	Workshops for parents, students, administrators, teachers, staff	Establish career academy in high schools
Create funded position: Coordinator of Stakeholders involved with the education of Deaf/Hard of Hearing children	Interpreters with an EIPA Score below 3.9 will be given 2 years to attain a score of 4.0	Funded intensive training for educational interpreters to help raise EIPA score Accessible statewide	Scholarship Funding For Educational interpreters
Educational interpreters to evaluate each other and provide feedback to peers	New hires are to complete educational requirements (similar to the model at New Jersey): at least A.A. degree * History, Sociology & Psychology of Deaf/Hard of Hearing * Deaf-Blind	Collaboration with deaf/hard of hearing community, NDE * opening communication * providing workshops	More sign language clubs in schools at all levels
Develop feedback form for parents and children		Deaf participation in NDE meetings	Provide ASL classes in high schools
		Develop Interpreter Training Program (ITP) for Educational Interpreters	Job Fairs in high schools



National Association of the Deaf

www.nad.org

November 18, 2015

John C. Wyvill, JD
Executive Director
Nebraska Commission for the Deaf and Hard of Hearing
4600 Valley Road, Suite 420
Omaha, NE 68510

Dear John:

The National Association of the Deaf (NAD) wishes to express its gratitude to the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) and interested stakeholders for successfully working with the Nebraska Department of Education to change regulations to increase the minimum EIPA level from 3.5 to 4.0.

Established in 1880 by deaf leaders, the NAD is the oldest national civil rights organization in the USA. Our mission is to preserve, protect, and promote the civil, human, and linguistic rights of 48 million deaf and hard of hearing people in this country, and includes advocacy in the areas of employment, technology, telecommunications, health and mental health, access to programs and services, and education.

Deaf and hard of hearing children deserve quality education, which requires that all educational content be accessible. In mainstreamed classrooms, deaf and hard of hearing children need visual access to what the teachers and other students are saying. For many of these mainstreamed deaf and hard of hearing children, qualified sign language interpreters are absolutely essential if they are to follow classroom instruction and discussion.

Interpreting at an EIPA level of 3.5 is estimated to provide deaf and hard of hearing students with only 65% of what has been said. Such a low level of accessible information is unacceptable and does an extreme disservice to deaf and hard of hearing students. Consequently, we applaud and support NCDHH in its efforts to raise the regulatory minimum EIPA level to 4.0 for educational interpreters.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact us at howard.rosenblum@nad.org.

Sincerely,

A handwritten signature in black ink that reads "Christopher D. Wagner". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Christopher D. Wagner
NAD President

A handwritten signature in black ink that reads "Howard A. Rosenblum". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Howard A. Rosenblum
NAD CEO

From: Kevin Williams
Sent: Sunday, November 15, 2015 5:32 PM
To: Kevin Williams
Subject: NE Rule, Letter of Support

While many individuals are involved in the education (and outcomes) for Deaf/HOH students in inclusive (i.e., Public School) settings, one of the most critical members of this educational process/philosophy is the educational interpreter. If the educational interpreter lacks skills and knowledge pertaining to their profession and role as an educational profession, the impact on the student, and later society, can (and frequently is) significant.

To assure quality educational interpreter services, the state of Nebraska was one of the first states to integrate the Educational Interpreter Performance Assessment (EIPA) of which I am the co-author. Nebraskans take pride in delivering quality education. They also take pride in making decisions which are socially sound -- decisions that are made with collective wisdom. The EIPA has, over the past decade, provided thousands of practitioners of educational interpretation evidenced-based proficiency documentation.

I stand in total support of Nebraska's efforts to 'raise the bar' on the competencies of educational interpreters employed within its education facilities. Stakeholders engaged in the discussion of this proposed increase have worked, collaboratively, to come up with a proposal that is sound and viable.

Educators teaching with educational translators/interpreters deserve assurances regarding the competencies of the interpreter translating their instruction and working with their students. Deaf/hoh students and their families, likewise, deserve assurances of interpreter competencies as well as provisions to minimize the risk of malpractice due to under- (or non-) qualified educational personnel. Qualified interpreters are, indeed, highly educated and highly skilled members of the educational team.

I commend all engaged in this effort and reiterate my support for this proposed change in educational rule.

Kevin T. Williams
Sr. Faculty/Lecturer
Co-Author, Educational Interpreter Performance Assessment (EIPA)
The Rochester Institute of Technology
The National Technical Institute for the Deaf
Rochester, New York.



Registry of Interpreters for the Deaf, Inc.

Matthew L. Blomstedt, Ph.D.
Commissioner of Education
Nebraska Department of Education
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509-4987

RE: Support of proposed revisions to Title 92, Nebraska Administrative Code, Chapter 51, *Regulations and Standards for Special Education Programs*

Dear Commissioner Blomstedt:

The Registry of Interpreters for the Deaf, Inc. (RID), a national membership organization, strives to advocate for best practices in interpreting, professional development for practitioners, and for the highest standards in the provision of interpreting services for diverse users of languages that are signed or spoken. In collaboration with the Deaf community, RID supports our members and encourages the growth of the profession through the establishment of a national standard for qualified sign language interpreters and transliterators, ongoing professional development, and adherence to a code of professional conduct. RID strongly believes that high standards are necessary to ensure that educational interpreters are prepared to meet the linguistic needs of Deaf and hard of hearing students. We commend Nebraska for its work to raise standards for educational interpreters in the state.

In order to promote full access to classroom content, educational interpreters must demonstrate skill, knowledge, and ability through skills and knowledge assessment. State regulation of interpreting is a mechanism through which this goal can be more fully realized and RID supports the proposal requiring that educational interpreters achieve a score of 4.0 or better on the Educational Interpreter Performance Assessment (EIPA) in order to work in the state's classrooms.

EIPA Score of 4.0 is a minimum standard

Many states have been faced with the task of appropriately regulating educational interpreters. RID commends Nebraska's effort to raise standards for educational interpreters and supports requiring an EIPA score of 4.0 or higher for interpreters working in PreK-12 educational settings. The EIPA Guidelines written by Dr. Brenda Schick state, "The minimum level of 3.5 is truly a minimum level. Most professionals who are knowledgeable about interpreting for a developing child would acknowledge that interpreters must have skills above a minimum level of an EIPA 3.5...**Therefore requiring that an interpreter demonstrate skills at an EIPA level of 3.5 or greater is not a 'Cadillac of services.'** It is a minimum level of competency."¹ While we agree with the sentiment, we disagree that an EIPA score of 3.5 is a minimum level of competency. We strongly believe that a score of 4.0 is a minimum level of competency.

A position paper prepared by the Educational Interpreter Interagency Consortium (EIIC) on sign language interpreter quality in Idaho schools noted "the key issue at hand is the relationship between the EIPA score and the percentage of information being accurately interpreted."² Based on the EIPA designer's educational estimates for these relationships, interpreters scoring between a 3.5-3.9 are able to interpret 60-79 percent of information accurately.³ Interpreters assessed

¹ http://www.classroominterpreting.org/Interpreters/proguidelines/EIPA_guidelines.pdf (page 3)

² http://www.cdhh.idaho.gov/papers/eiic_position_paper.pdf (page 2)

³ http://www.cdhh.idaho.gov/papers/eiic_position_paper.pdf (page 2)

at a level 3 (intermediate) have significant limitations. Boys Town National Research Hospital describes the skill level of interpreters who score a level 3 on the EIPA as:

Comprehends signed messages but may need repetition and assistance. Voiced translation often lacks depth and subtleties of the original message. An individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear.⁴

On the appropriateness of using a level 3 interpreter, Boys Town states “an interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.” We strongly believe that an EIPA score of 3.5 does not adequately prepare interpreters or protect the linguistic needs of deaf and hard of hearing students. Interpreters should be well-prepared to provide competent interpreting services and deaf and hard of hearing children have a right to highly qualified interpreters who can interpret effectively in the classroom. An EIPA score of less than 4.0 does not adequately prepare interpreters or protect the linguistic needs of deaf and hard of hearing students and places additional administrative and economic burdens on the schools using unqualified interpreters.

Access to Free and Appropriate Public Education

Qualified educational interpreters/transliterators are a critical part of the educational day for children who are Deaf or hard of hearing.⁵ “Knowing” sign language is not enough. Taking sign language classes is insufficient. When interpreters do not meet appropriate standards, they cannot support student access to a free and appropriate public education. Dr. Brenda Schick noted that “an educational interpreter must provide a deaf or hard of hearing student with access to all communication and other auditory information in the classroom. This is a formidable task even when the interpreter is highly qualified.”⁶ She goes on to explain that “when an educational interpreter is not skilled, the student misses a great deal of information and is effectively denied equal access.”⁷ In requiring that educational interpreters attain at least a 4.0 on the EIPA, Nebraska has taken a critical first step in ensuring access to a free and appropriate public education for its students.

Conclusion

When an unqualified interpreter is hired, the system fails. In the education setting, the supports and services for a Deaf or hard of hearing child has serious impact on the student as they continue to acquire language, learn a new subject, interact with peers, and ready themselves for college and their careers. Again, we commend Nebraska and all who were involved in promoting minimum standards for interpreters so that Deaf and hard of hearing students are able to succeed in school.

If we can offer any further information or assistance, please do not hesitate to contact us.

Sincerely,



Anna Witter-Merithew
Interim Executive Director



Julie Anne Schafer
Director, Standards and Practices

⁴ <http://www.classroominterpreting.org/eipa/performance/rating.asp>

⁵ http://www.rid.org/UserFiles/File/pdfs/Standard_Practice_Papers/K-12_Ed_SPP.pdf

⁶ Schick, B., Williams, K., & Bolster, L. (1999). Skill levels of educational interpreters working in the public schools. *Journal of Deaf Studies and Deaf Education*, 4, 144–155

⁷ *Id.*



My name is Thomas Beyer. I am currently serving as the president of the Nebraska Registry of Interpreters for the Deaf (neRID).

The intent of this letter is to express support for efforts by the Nebraska Department of Education to improve the quality of education for Deaf and Hard of Hearing students in Nebraska, particularly those who utilize sign language as a means of communication.

The Nebraska Registry of Interpreters for the Deaf is a state affiliate of RID, the Registry of Interpreters for the Deaf. RID is a non-profit, volunteer organization, founded in 1964 and currently has over 15,000 members. As of August 2015, 1,952 of those members identified themselves as working in K-12, post-secondary and vocational training venues.

RID has diligently worked to establish minimum standards for interpreters seeking certification by RID. Currently, all applicants must have a bachelor's degree. The members recognize that to provide quality services, an interpreter must possess the knowledge, skills and training required for that position. RID members voluntarily expend their own time, energy and resources to develop the skills and knowledge that will enhance and enrich their clients' lives, opportunities, and welfare of the communities to which they belong.

We want to be strong advocates of equity in educational settings.

Attached is a copy of the Nebraska Department of Education Mission, Vision and Values statement. "*To lead and support the preparation of all Nebraskans for learning, earning, and living*" is a daunting challenge. Clearly, in the field of education, the goal is to maintain and establish high expectations, not to settle for what is only possible. When it comes to the education of Deaf and Hard of Hearing students, individuals, regardless of title, must be qualified. Those individuals should meet minimum standards and be expected to maintain and enhance their knowledge and skills.

Thank you for your efforts to improve the quality of education for all Nebraskans. Your efforts have such a tremendous and far-reaching impact.

Thank you for the opportunity to partner with you. Both RID and neRID recognize that we are in this together. We each have strengths and weaknesses as organizations, but together we have the opportunity to produce a better future.

If there is a role or information we can help provide, please let us know.

Respectfully,

A handwritten signature in black ink that reads "Thomas W. Beyer". The signature is written in a cursive style with a long horizontal stroke at the end.

Thomas W. Beyer, President
Nebraska Registry of Interpreters for the Deaf



Pete Ricketts
Governor

Dr. Frank Turk
Chairman of the Board
Omaha

Margie Propp
Vice Chair
Lincoln

Dr. Carol Lomicky
Secretary
Kearney

Mike Brummer
Board Member
Omaha

Regina Frerichs
Board Member
Columbus

John Hogue
Board Member
Falls City

Jeremy Fitzpatrick
Board Member
Omaha

Dr. Stacie Ray
Board Member
Lincoln

Norm Weverka
Board Member
Brainard

John Wyvill
Executive Director
john.wyvill@nebraska.gov

To Whom It May Concern;

My name is Crystal Pierce. I am the Interpreter Program Assistant at the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH). I have been in my current position for just over one year. Prior to that I worked in many facets as a Sign Language Interpreter, including one year in the K-12 educational system.

Within my personal experience I found that Sign Language Interpreters truly have an atypical occupation. Most professionals become experts within their own field. While interpreters are working they are conveying information in all the other profession's expertise. For example, while interpreting for a doctor, the interpreter is not a physician, but must convey the information into a secondary language at the same level proficiency as the physician themselves. As well as, an educational interpreter may not have earned a teaching certificate with a focus on history, but five days a week the interpreter works alongside the history teacher providing the Deaf and Hard of Hearing student with information equivalent to the teacher's expertise.

In the last decade the standards for sign language interpreters in all fields has been steadily increasing. More and more states are requiring licensing for both community and educational interpreters. Since 1998 the American's with Disabilities Act has fought for equal access. Nebraska should be not only following suite, but should be paving the way for a better future for our Deaf and Hard of Hearing students. Not only that, but the better interpreters are trained and prepared for each day, having the skill set to call upon in a moment's notice, the easier their job will be. I believe that it is time that Nebraska shows the rest of the world that not only do we want to raise the bar for our interpreters, but our interpreters can rise to the occasion.

Many times I have been asked how long it took me to sign. I always tell them, "I have not stopped learning. The language is always changing, so I must change with it. I am learning new things every day."

Thank you for your consideration in supporting our educational interpreters to continue their growth and knowledge. Francis of Assisi once stated, "Start by doing what is necessary; then do what's possible; and suddenly you are doing the impossible." This quote represents an interpreter's journey as they grow in their knowledge and skill.

Sincerely,

Crystal Pierce

Interpreter Program Assistant

NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

*An advisory panel providing policy guidance to the
Nebraska Department of Education with respect to special
Education and related services for children with disabilities*

November 18, 2015

My name is Kristen Larsen and I am a member of the Executive Committee of the Nebraska Special Education Advisory Council (SEAC). I am representing the membership of SEAC in support of the proposed changes to 92 NAC 51 regarding the qualifications of educational interpreters. SEAC represents parents of children with disabilities and professionals from a wide array of disciplines involved with the education of children with disabilities. SEAC represents all State Board of Education districts throughout Nebraska.

At the September 17, 2015 SEAC meeting, the Council reviewed proposed changes to 92 NAC 51-010.06 *Educational Interpreters*. The Council feels that it is important that the oversight of educational interpreters and their qualifications remain in Rule 51 and under the direction of NDE. Specifically, SEAC supports the following provisions:

1. The clear statement that sign language interpreters must hold a high school diploma or higher;
2. The requirement that sign language interpreters must receive a passing score on the Educational Interpreter Performance Assessment (EIPA) at the 4.0 level or above;
3. The "grandfather provision" at 92 NAC 51-010.06A2;
4. The provision allowing school districts to employ a sign language interpreter for two years who does not achieve a 4.0 score on the EIPA providing the individual completes 40 clock hours of training each year and attains one or more of the competency levels at 92 NAC 51-010.06A within two years of employment; and
5. The requirement that sign language interpreters must submit evidence of having obtained 24 clock hours of professional development every two years.

After considerable discussion and opportunity for questions, the Council voted to approve the proposed rule language as presented. SEAC strongly encourages the approval of these proposed changes to Rule 51 to improve the quality and availability of educational sign language interpreters.

Respectfully submitted and presented by:

**Kristen Larsen
Executive Committee
Nebraska Special Education Advisory Council**

Wierda, Beth

From: Christine Marvin <cmarvin1@unl.edu>
Sent: Friday, November 13, 2015 4:31 PM
To: Wierda, Beth
Cc: Emily Dorsey; Miriam Kuhn; Dawn Mollenkopf; Paula Thompson
Subject: Rule 51 Hearing Wed Nov 18
Attachments: NDE Rule 51 Tesstimony on UA Ltrhead.pdf; ATT00001.htm

Beth

Please find attached our written testimony for the Rule 51 Hearing to be held on Wednesday Nov 18. We appreciate you considering this written testimony regarding the proposed changes in Rule 51, specifically section 010 describing Qualifications for Special Education Personnel for Program Approval and Reimbursement.

Chris Marvin
cmarvin1@unl.edu
402-472-5483

TO: Beth Weirda
Nebraska Department of Education,
Office of Special Education
6th Fl. State Department Building, Centennial Mall-South
Lincoln NE 68509

FROM:
Christine Marvin, Ph.D.
Professor
Department of Education and Communication Disorders
University of Nebraska-Lincoln

Emily Dorsey, Ph.D.
Assistant Professor of Practice
Department of Education and Communication Disorders
University of Nebraska-Lincoln

Miriam Kuhn, Ph.D.
Assistant Professor
Department of Special Education and Communication Disorders
University of Nebraska at Omaha

Dawn Mollenkopf, Ph.D.
Associate Professor
Teacher Education
University of Nebraska- Kearney

Paula Thompson, M.A.
Assistant Professor
Teacher Education
University of Nebraska- Kearney

RE: Public Hearing on 92 NAC 51 (Rule 51) Regulations and Standards for Special Education Programs.
Nebraska State Office Building 6th Floor Room 301

DATE: November 18, 2015 2:00 PM

Thank you for this opportunity to testify regarding the revisions drafted for Rule 51 with particular reference to section 010 describing Qualifications of Special Education Personnel for Program Approval and Reimbursement (pages 65-68). As faculty members dedicated to the preparation of highly qualified early childhood educators who can serve in the role of *special* educator, we have three points of concern we would like noted before final approval of the revised Rule 51.

1. We are pleased to see the changes made relative to approved endorsements that teachers must hold for serving young children in Early Childhood Special Education in Home and Center-based Programs for Children Birth to Age Five (sections 010.01D6; page 66). The mention of endorsements for *Early Childhood Special Education (ECSE)*, *Special Education Early Intervention Specialist (EI-Spec.)* and *Inclusive Early Childhood Education (IECE)* are deemed appropriate, as all these endorsements are guided by the professional standards promoted by the Council for Exceptional Children, Division for Early Childhood.

However, we believe the mention of teachers with the *Early Childhood Education* endorsement (Rule 24, 006.17) would be **inappropriate** in that these teachers have no required coursework or field experience in their endorsement programs, as guided by standards listed in Rule 24, that are related to special education populations and special instructional strategies. With at least five institutions in Nebraska now offering programs of study leading to the endorsements for IECE and a few offering programs leading to endorsements for ECSE and EI-Spec., and the availability of the provisional endorsement process for those teachers offered employment with young children with disabilities, there should be no reason to list the endorsement in ECE as approvable for reimbursement purposes in Rule 51.

2. We found a number of categorical assignments that did NOT list appropriate early childhood endorsements as approved for the specified population. In most cases, the absence of the *Early Childhood Special Education (ECSE)*, *Early Intervention Specialist (EI-Spec.)* and *Inclusive Early Childhood Education (IECE)* endorsements ignores the possibility that some children under age 5 may be eligible for Rule 51 special education services and the teachers with listed endorsements would not be trained or even assigned for work with this younger population. These include:

Autism: add *ECSE*, *EI-Spec.* and *IECE* endorsements given a high incidence in populations under age 5.

Emotional Disturbance: add *ECSE*, *EI-Spec.* and *IECE* endorsements, since listing of the Special Education endorsement only covers the K-12 population.

Orthopedic impairments: add *ECSE*, *EI-Spec.* and *IECE* endorsements given the clear possibility of children under age 5 to have developmental and/or educational challenges requiring special education due to established orthopedic/physical diagnoses (i.e., spina bifida, deformities, amputations).

Traumatic Brain Injury: add *ECSE*, *EI-Spec.* and *IECE* endorsements given the unfortunate incidence of Shaken Baby Syndrome and subsequent referral to Nebraska's early intervention programs.

3. Finally, it is unclear what the rationale is for what categories and what endorsements do and do not get listed as "approved for reimbursement". For example, *Early Childhood Special Education for Home or Center-based Programs* is listed as a category in section 010 but is NOT a listed category of eligibility in Rule 51 section 006.04. Furthermore, we were struck by the absence of the Categorical Assignments of ***Developmental Delay and Other Health Impairments*** in the listing in section 010. **We would recommend their addition to the listing in section 010** as they are listed in Rule 51 section 006.04 as categories of eligibility. Furthermore, *Developmental Delay* is mentioned in Rule 52 as a category of eligibility (section 006.04) and section 010 of Rule 52 refers to Rule 51 section 010 for descriptions of the "qualification for early intervention personnel for program approval and reimbursement" (p.37). For these two categories, the approved endorsements should be listed as the *ECSE*, *EI-Spec.* and *IECE* endorsements.

Thank you for your work on the revision and updating of Rule 51. We appreciate your consideration of our concerns and suggestions.