



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON PERSONS WITH
DISABILITIES ADVISORY COMMITTEE
(Nevada Revised Statutes 218.53796)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Legislative Committee on Persons with Disabilities Advisory Committee was held on Tuesday, June 6, 2006, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas Nevada. The meeting was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's Web site at www.leg.state.nv.us/73rd/Interim. In addition, copies of the audio record may be purchased through the Publications Office of the Legislative Counsel Bureau (LCB) (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Michael Coleman
Kelley DeReimer
Gloria Dopf
Danell Fanning
Cindy Frank
David Gordon
Jacque Matteoni
Jack Mayes
Sally Ramm
Gayle Sherman

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Karen Taycher, Chairwoman
Caroline Preston Bass
Rhonda Feldman
Gary Olsen
Linda Raymond

COMMITTEE MEMBER ABSENT:

Betty Hammond

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michelle L. Van Geel, Senior Research Analyst, Research Division, LCB
Leslie K. Hamner, Principal Deputy Legislative Counsel, Legal Division, LCB
Bob Guernsey, Principal Deputy Fiscal Analyst, Fiscal Analysis Division, LCB
Sandra Gibbons, Senior Research Secretary, Research Division, LCB

OPENING REMARKS

Chairwoman Taycher called the meeting to order. She welcomed all members and thanked them for volunteering their time. She specifically thanked the members for their efforts on the work groups and preparing their reports.

FINAL REPORT OF WORK GROUP REVIEWING THE POSSIBILITY OF ESTABLISHING AN OVERSIGHT AGENCY TO MONITOR AND ENFORCE LAWS RELATED TO SIGN LANGUAGE INTERPRETERS

(As directed by Chairwoman Taycher, this agenda item was taken out of order.)

- Caroline Preston Bass, Oversight Work Group Team Leader, gave a report on oversight and licensure. She stated the work group focused on three major areas: recruitment, retention, and training. She noted that for Nevada to have qualified interpreters there must be training. Problems exist when students reach the upper division of interpreter training at the community college and university levels due to school policies of eliminating classes if a certain number of students are not enrolled. Ms. Bass further stated that many interpreters are working unqualified and under-qualified and other interpreters are not credentialed or sufficiently trained. She suggested that the school districts look at pay scales, recruitment, and retention efforts. ([Exhibit B](#).)

Continuing, Ms. Bass stated the Oversight Work Group had four proposals for discussion and approval by the Advisory Committee. Proposal No. 1, [Exhibit B](#), is in conjunction with the Office of Disability Services (ODS), Department of Health and Human Services (DHHS), and proposes that a bill draft requesting sections of Chapter 656A of *Nevada Revised Statutes* (NRS) be stricken and changes referring to specific regulations governing the necessary certifications and requirements for interpreters and Communication Access Realtime Translation (CART) providers be added under Chapter 426 of NRS ([Exhibit B](#), Appendix A).

- Todd Butterworth, Chief, ODS, DHHS, stated that the interpreter list managed by the Rehabilitation Division, Department of Employment, Training and Rehabilitation (DETR), is a list only. He stated that Ms. Bass' proposal would make the Rehabilitation Division's interpreter list moot and commented that the list be eliminated. Mr. Butterworth further stated that a budget proposal is submitted annually to the Public Utilities Commission of Nevada (PUCN). He stated his agency manages an oversight advisory board, the Communication Access Counsel (CAC), which consists of people with disabilities. He suggested that CAC could form a subcommittee for interpreter and CART issues and function as the oversight body. He noted that the cost of day-to-day functions could be absorbed in the existing ODS budget. He expressed concern as to the extent the ODS take on additional compliance functions.
- Ms. Bass stated that the oversight board would include representation of the following: the deaf community; Nevada Association of the Deaf; Deaf and Hard of Hearing

Advocacy Resource Center; Nevada Registry of Interpreters for the Deaf; interpreter training programs from the north and south; students of interpretation; two individuals who use interpreting services; the Bureau of Vocational Rehabilitation, Rehabilitation Division; DETR; and Nevada's Department of Education (NDE). Representation for CART services would include: a working transcriber, a student in training, and a consumer.

- Mr. Butterworth, responding to a question, stated that the compliance body would be a referral source for issues to other jurisdictions and not the ultimate adjudicator.
- Chairwoman Taycher clarified that when the Advisory Committee votes on the Oversight Work Group Proposal No. 1, [Exhibit B](#), they will vote on the wording as written, but not the attached Appendix A.
- Ms. Bass addressed the other Oversight Work Group proposals. Proposal No. 2, [Exhibit B](#), states that qualifications of legal interpreters must be clarified and codified by the Nevada courts. It is recommended that additional specific requirements be included for sign language interpreters in legal settings addressing the concerns of the Administrative Office of the Courts (AOC) regarding the limited number of qualified interpreters under current NRS ([Exhibit B](#), Appendix E).

Oversight Work Group Proposal No. 3, [Exhibit B](#), concerns funding for training of interpreters. It is recommended that the Nevada System for Higher Education (NSHE) include in its 2008 Budget the necessary funding for the development and training of sign language interpreters ([Exhibit B](#), Appendix F). Ms. Bass also stated that on the charts included with Proposal No. 3 ([Exhibit B](#), Appendix F) the costs were derived with the Community College of Southern Nevada and the Western Nevada Community College faculties.

Oversight Work Group Proposal No. 4, [Exhibit B](#), addresses the standardization of educational interpreter guidelines. It is recommended that a Nevada State Educational Interpreter's Handbook be developed to serve as a guideline to school districts regarding the hiring and use of interpreters in educational settings ([Exhibit B](#), Appendix G).

- Ms. Dopf stated she supports a concept of guidelines for the school districts. She requested funding for: (1) expertise to assist the NDE, which does not have a deaf educator or sign language interpreter expert on staff; and (2) that distribution, printing, and reproduction costs be funded.

APPROVAL OF MINUTES OF THE APRIL 11, 2006, AND MAY 19, 2006, MEETINGS

- The Committee **APPROVED THE FOLLOWING ACTION:**

MR. COLEMAN MOVED FOR APPROVAL OF THE MINUTES OF THE APRIL 11, 2006, MEETING OF THE LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES ADVISORY COMMITTEE, HELD IN LAS VEGAS. THE MOTION WAS SECONDED BY MR. MAYES. THE MOTION PASSED UNANIMOUSLY.

- No action was taken on the May 19, 2006, minutes.

FINAL REPORT OF WORK GROUP REVIEWING SIGN LANGUAGE INTERPRETER CERTIFICATION AND THE ESTABLISHMENT OF A TIER SYSTEM TO RANK SIGN LANGUAGE INTERPRETERS

- Cindy Frank, Tier System Work Group Team Leader, stated the tier level system would address the need of new and/or inexperienced interpreters entering the interpreting profession to gain the necessary training and experience to become a certified interpreter. The tier levels are: Student Level, Entry Level I, Entry Level II, Provisional Level I, and Provisional Level II. The Entry Levels I and II are not allowed to work without direct supervision. The interpreter will report regularly to a mentor as a Provisional Level I and II. It is recommended that the job descriptions and pay scales used by the Clark County School District be emulated ([Exhibit C](#)).
- Chairwoman Taycher asked for clarification that there will be two sets of recommendations to be voted on: (1) the tier level system; and (2) the job description and pay scale. Ms. Frank stated that there will be two different proposals to vote on and that Item III of [Exhibit C](#) is for clarification only and can be stricken.
- Mr. Gordon spoke on a draft proposal and explained that NRS 656A.100 “Qualifications; certification required; exceptions” for interpreters is so restrictive that compliance is impossible for the majority of Nevada courts. The solution would be to amend NRS 656A.100 to reflect the realities associated with court operations in Nevada ([Exhibit D](#)).
- Ms. Bass stated her concerns about using noncertified interpreters in court and legal settings and questioned how far the courts and judges are willing to go to find a certified interpreter. She commented that she has never been called by the rural courts to interpret.
- Mr. Gordon stated that he has informed court personnel about the Registry of Interpreters for the Deaf (RID) database for interpreters and helps them locate interpreters through the database. He also stated that some rural courts do not have access to the Internet.

- Ms. Fanning stated that the draft proposal from Mr. Gordon states courts “will” do their best to find certified interpreters. She stated the voir dire process will get to the qualifications of interpreters and the judges will find the best qualified interpreter for that particular situation.
- Ms. Frank clarified that Items II and III from the Tier Work Group Proposal No. 1, [Exhibit C](#), are to be stricken. She further stated that Mr. Gordon’s proposal ([Exhibit D](#)) will be the Tier Work Group Proposal No. 2.
- Ms. Bass stated the concept is well drafted; however, the language on the chart needs clarification that the wording “may not interpret unsupervised” and “mentor required” be put in the pertinent sections of the proposal.

FINAL REPORT OF WORK GROUP REVIEWING EDUCATION AND TRANSITION ISSUES

- Rhonda Feldman, Education Work Group Team Leader, stated that the Education Work Group Proposal No. 1, [Exhibit E](#), would expand access of the pre-Kindergarten through 12th grade students with deafness to appropriate educational services. She explained the needs of children with deafness are very specialized and recommended that there be a consolidation of deaf educational services through the development of regional model programs in Nevada ([Exhibit E](#)).
- Chairwoman Taycher asked the work group if the Individual Education Program (IEP) process where individualized decision making occurs for the children, takes precedent to determine placement of children.
- Ms. Dopf answered by stating the IEP issues are important and placement decisions remain at the IEP and placement committee level. She indicated that the work group’s intention was to expand options for the continuum of the specialized service system.
- Ms. Feldman stated that Education Work Group Proposal No. 2 is a need to expand the pool of qualified teachers of the deaf. The work group recommended that: (1) to recruit qualified teachers of the deaf an incentive is needed; (2) in order to retain teachers, a training stipend is needed; (3) a mentoring and teacher support network be developed for teachers in remote areas; and (4) more training programs be developed ([Exhibit E](#)).
- Ms. Dopf, responding to a question, stated that signing bonuses exist in statute and one methodology is to supplement the statute with an additional bonus.
- Ms. Feldman commented on the Education Work Group Proposal No. 2(E), [Exhibit E](#), that existing deaf and hard of hearing programs be improved and expanded. She supported ongoing training, mentoring, and technical assistance with a multidisciplinary team approach that would ensure “best practice” for all deaf and hard of hearing students.

- Ms. Dopf stated the concept of having specialists in school districts could be made available to help the community, as well as the State. The NDE does not have a position dedicated to provide guidance, liaison, and technical assistance and support. To have this effort move forward, a leadership group and well-trained individuals that can address the issue both from a political perspective and to offer support to teacher perspectives is needed.
- Chairwoman Taycher asked the work group to clarify if they are looking for additional funding to support a position or positions through the NDE and in Washoe and Clark Counties.
- Ms. Frank stated they would request three positions: one at NDE and one each in Washoe and Clark Counties. She further stated that the position within the NDE would focus on the rural areas.

PUBLIC COMMENT

- Sammy Milburn, private citizen, stated he is a certified interpreter and asked for clarification of the definition of a mentor for the interpreter.
- Ms. Frank responded that there are mentor Web sites under the RID. Ms. Frank further stated that there are classes to be taken before a person becomes a mentor.
- Ms. Fanning also responded that the ultimate goal is for interpreters that are entering the process as Entry Level I and II and Provisional Level I and II, be able to locate a list of approved mentors on the ODS Web site.
- Kevin Daniel, private citizen, stated he is a reporter and certified CART provider and commented that CART providers support this proposal.
- Dr. Nichole M. Sheldon, AuD., CCC-A, Doctor of Audiology, Educational Audiologist, Clark County School District, offered her support for the Education Work Group's proposal. She stated she would like to be involved in future recommends on this proposal.

DISCUSSION AND FORMULATION OF RECOMMENDATIONS OF THE ADVISORY COMMITTEE REGARDING INTERPRETER CERTIFICATION AND RELATED ISSUES FOR PRESENTATION TO THE LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

- Chairwoman Taycher started with the recommendations from the Education Work Group Proposal No. 1, which is the regional schools specialized class, with the recommended language change.

Education Proposal No. 1: Need to expand access of pre-Kindergarten through 12th grade students with deafness to appropriate educational services. The education needs of children

with deafness are very specialized. This creates challenges for Nevada where one student, or a group of students across grade levels, may be in need of these specialized educational services. It is recommended that there be a consolidation of deaf education services pre-Kindergarten through 12th grade through the development of regional “model” programs for Nevada. School districts throughout the State will maximize the effectiveness of their deaf education programs by bringing children with deafness together at a minimum number of elementary, middle, and high schools that offer specialized classes. These programs will be strategically located in existing schools in urban or rural centers. In urban locations children from surrounding rural areas will be transported in or video linked. Students in remote rural areas will have access to deaf and hard of hearing services at rural regional programs or through video links to urban or rural schools. By implementing this “regional” model, students with deafness will get the benefits of inclusionary education while also having a more focused pool of qualified teachers and interpreters, and more interaction with their peers who are deaf.

Action Requested: Propose a statute setting up the structure for “model regional” school-based programs for students with deafness and request a legislative appropriation to fund these sites.

- Ms. Dopf recommended adding the following language after the third sentence: “This is intended to expand the options available to students with deafness or hard of hearing and that ultimate placement decisions rest with the IEP and Placement Committee.”
- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MR. COLEMAN MOVED TO APPROVE THE EDUCATION WORK GROUP PROPOSAL NO. 1 AS MODIFIED. MR. OLSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- Chairwoman Taycher introduced the Education Work Group, Proposal No. 2, which includes additional language.

Education Proposal No. 2: Need to expand pool of qualified teachers of the deaf. (a) In order to recruit more qualified teachers of the deaf into the State, a recruitment incentive is recommended. This would provide a supplemental signing bonus for new teachers of the deaf in addition to funds already available for new teacher bonuses. (b) In order to retain existing teachers of the deaf and provide continued training to enhance their instructional skills, a yearly “training stipend” is recommended to engage in university coursework in deaf education. (c) Teachers of students with deafness are located throughout the State and often isolated due to their low numbers. In order to promote retention of these teachers and to overcome their isolation and limited access to ongoing training, a mentoring and teacher support network is recommended. (d) Due to the lack of training programs for teachers of the deaf it is recommended that an increased number of training programs be available in the State. (e) Expand support and improve the existing deaf and hard of hearing

programs by strategically located leadership/specialist positions that provide ongoing training, mentoring, and technical assistance with a multidisciplinary team approach that ensures “best practice” for all students in all deaf and hard of hearing programs.

Action requested: (a) Modify the existing signing bonus statute to provide a supplemental amount for new teachers of the deaf and provide a supplemental legislative appropriation. (b) Propose a statute creating “training stipends” and propose a legislative appropriation for this purpose. (c) Propose a statute to authorize a statewide mentoring program for teachers of the deaf and provide a legislative appropriation to establish this program. (d) Provide an incentive to the NSHE to develop and/or expand its training program and provide a legislative appropriation to the university system to develop or expand existing training programs for teachers of the deaf. (e) Propose a statute to authorize the positions and a appropriation to establish and support the positions.

- Ms. Frank stated that Proposal No. 2(E) should use the words: “north,” “south,” and “statewide” and insert “three positions, one in the north, one in the south, and one statewide.”
- Mr. Olsen preferred the language be as general as possible. He stated the wording should be “three positions.” The members of the Education Work Group agree with Mr. Olsen’s language.
- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MS. FELDMAN MOVED TO APPROVE THE EDUCATION WORK GROUP PROPOSAL NO. 2 AS MODIFIED. MS. BASS SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- Chairwoman Taycher said the next recommendation is the Tier Work Group, Proposal No. 1, which encompasses the Oversight Work Group Proposal No. 1. She stated there were recommended changes that should be discussed.

Tier Proposal No. 1: Tier System

Student Level

- Student enrolled in an accredited Interpreter Preparation Program (IPP).
- Student must be registered for an Internship/Practicum Class with a letter of recommendation from their instructor.
- Student must complete and submit Interpreter Registration Form to the appropriate State agency.
- Mentor forms on file with State agency.
- Student must sign the Registry of Interpreters for the Deaf Code of Professional Conduct and have a copy on file with the State agency and their instructor.

Entry Level I – An individual may stay at this level for no more than one year and may not interpret unsupervised.

- Recent graduate of an accredited IPP or a currently working interpreter who has not satisfied the following requirements:
 1. Completion and submission of Interpreter Registration form(s) with State agency.
 2. Documentation of 100 plus hours of mentored interpreting on file with State agency.
 3. Mentor forms on file with State agency.
 4. Development of a Professional Development Plan (PDP) with a State-approved mentor and on file with the State agency.
 5. Signed copy of the Registry of Interpreters for the Deaf Code of Professional Conduct on file with the State agency.

Entry Level II – An individual may stay at this level for no more than one year and may not interpret unsupervised.

- Graduate of an accredited IPP or a currently working interpreter who has not satisfied the following requirements:
 1. Completion and submission of Interpreter Registration form(s) with State agency.
 2. Documentation of 200 plus hours of mentored interpreting in compliance with their PDP goals and objectives. (Signed Mentor forms attesting to required hours on file with State agency.)
 3. Completion of 20 hours of Continuing Education Units in accordance with PDP.
 4. Passed “Knowledge” portion of recognized testing system.
 5. Documentation of a monthly mentor meeting on file with State agency.
 6. Updated PDP on file with State agency.
 7. State agency recommends interpreters at this level take the Educational Interpreter Performance Assessment (EIPA) and incorporate professional development suggestions into the individual’s PDP.

Provisional I – An individual may stay at this level for no more than two years and a mentor is required.

Intermediate Interpreter

- Graduate of an accredited IPP or a currently working interpreter who has not satisfied the following requirements:
 1. Completion and submission of Interpreter Registration form(s) with State agency.
 2. 450 hours of documented interpreting experience – this experience can be mentored or solo, but must be documented on the State agency-approved form. (Candidate must be able to verify to the satisfaction of the State agency that the required hours were completed.)
 3. Completion of 40 hours of Continuing Education Units in accordance with PDP.
 4. Member of Professional Interpreting Organization with a copy of their membership card on file with the State agency.
 5. Annual Review of PDP with mentor.
 6. Candidate will have on file a two-year Professional Development Plan with specific goals in preparation to taking a recognized performance test or assessment.

7. Provisional Level I educational interpreters will have taken the EIPA and have a score in the 3.0 to 3.4 range.

Provisional II – An individual may stay at this level for no more than two years, unless they are awaiting results of a national examination, at which point they may file for an extension of not more than one year, and a mentor is required.

Advanced Intermediate Interpreter

- Completion and submission of Interpreter Registration form(s) with State agency.
- 500 plus hours of documentation of interpreting experience – this experience can be mentored or solo, but must be documented on the State agency-approved form. (Candidate must be able to verify to the satisfaction of the State agency that the required hours were completed.)
- Completion of 60 hours of Continuing Education Units in accordance with PDP.
- Annual review of skills by independent evaluator or mentor on file with State agency.
- Interpreter at this level should have taken a National Performance Test and/or Assessment and are awaiting their results.
- Professional portfolio on file with State agency.
- Three letters of recommendation from end users of services attesting to the professionalism and skill of the interpreter.
- Provisional Level II educational interpreters will have taken the EIPA have a score in the 3.5 to 3.9 range.

Certified – A State certified interpreter will hold one of the following nationally recognized levels of certification from the Registry of Interpreters for the Deaf:

- Certificate of Interpretation (CI) – This individual is qualified to work between English and American Sign Language.
- Certificate of Transliteration (CT) – This individual is qualified to work between English and a sign-based English equivalent.
- National Association of the Deaf (NAD) – Level III.
- National Interpreter Certification (NIC) (Certified) – These individuals have shown basic professional-level interpreting/transliterating skills.

Certified – Advanced – A State certified interpreter will hold the following nationally recognized levels of certification from the Registry of Interpreters for the Deaf:

- Comprehensive Skills Certificate (CSC).
- Certificate of Interpretation and Certificate of Transliteration.
- National Association of the Deaf Level IV or V.
- National Interpreter Certification (Advanced) – These individuals have scored within the standard range on the interview portion and high on the performance portion of the examination.

Certified – Master

- Comprehensive Skills Certificate Master.

- National Interpreter Certification (Master) – These individuals have scored high on both the interview and performance portions of the examination.

Specialist Certificate: Legal (SC:L) – An individual who has completed the RID testing for legal interpreting comprised of a written knowledge test and an expressive skills test.

Educational Interpreter K-12

Conditional Elementary – Interpreter holds the following:

- A minimum 4.0 on the Elementary Level of the Educational Interpreter’s Performance Assessment in one of the following modalities:
 1. American Sign Language
 2. Pidgin Sign English
 3. Manually Coded English

Conditional Secondary – Interpreter holds the following:

- A minimum 4.0 on the Secondary Level of the Educational Interpreter’s Performance Assessment in one of the following modalities:
 1. American Sign Language
 2. Pidgin Sign English
 3. Manually Coded English

Full Elementary Certification – Interpreter holds the following:

- A minimum 4.0 on the Elementary Level of the Educational Interpreter’s Performance Assessment in two of the following modalities:
 1. American Sign Language
 2. Pidgin Sign English
 3. Manually Coded English

Full Secondary Certification – Interpreter holds the following:

- A minimum 4.0 on the Secondary Level of the Educational Interpreter’s Performance Assessment in two of the following modalities:
 1. American Sign Language
 2. Pidgin Sign English
 3. Manually Coded English

Master Educational Certification – Interpreter holds the following:

- A minimum 4.0 on the Educational Interpreter’s Performance Assessment in both the Elementary and Secondary settings in two of the following modalities:
 1. American Sign Language
 2. Pidgin Sign English
 3. Manually Coded English
- Ms. Frank suggested a new bullet item be added to the main topics of Student Level, Entry Level I, and Entry Level II, identically stating “May not interpret unsupervised.”

A new bullet item should be added for the main topics of Provisional Level I and Provisional Level II, identically stating “Mentor required.”

- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MS. FANNING MOVED TO APPROVE THE TIER WORK GROUP PROPOSAL NO. 1 AS MODIFIED. MS. MATTEONI SECONDED THE MOTION.

- Ms. Dopf asked for clarification concerning the section of the Tier Work Group Proposal No. 1, “Within a created oversight committee will be an advisory committee that will further define and expand on these recommendations.” She stated that this implies an oversight and advisory committee exists. She commented that if the oversight and advisory committees are not developed, would there be a mechanism for public input and a process to shape details.
- Chairwoman Taycher asked the Tier Work Group if it was their intention that the oversight and advisory committees be provided by the CAC.
- Ms. Dopf requested the sentence be amended to state “within an oversight committee if created under the recommendation of segment two” or “though the ongoing work of the existing subcommittee or something else that allows or separates the committee from a do or die if the oversight committee is not set up.”
- Ms. Frank stated agreed with Ms. Dopf’s remarks and indicated the Tier Work Group’s Proposal No. 1 would be amended.

MS. FANNING AMENDED HER MOTION TO INCLUDE THE LANGUAGE “IF THIS OVERSIGHT COMMITTEE IS NOT PASSED, THEN THERE WOULD BE OTHER REGULATIONS THAT WOULD CONTINUE UNDER THE ADVISORY COMMITTEE.” MS. MATTEONI SECONDED THE MOTION.

The Advisory Committee discussed the amended language and noted that the revised language weakens the proposal. It was further discussed that this recommendation be combined with the Oversight Work Group’s proposal and that language in the statute should reflect regulations to include the Tier Work Group’s language.

- Ms. Dopf stated this tier proposal should be approved. The content of the proposal is such that who revises it or who provides oversight is not critical as adopting the concept. She further stated that individuals in the education community may support a tier proposal but not necessarily under an oversight commission as described in the amended language.

- Chairwoman Taycher stated there is an amended motion and called for a vote.
- The Advisory Committee **VOTED ON THE FOLLOWING ACTION:**

UPON THE CALL OF THE CHAIR, THE ADVISORY COMMITTEE VOTED FIVE “YEAS” AND NINE “NAYS.” THE MOTION FAILED.

- Mr. Olson asked that the * asterisk language be eliminated.
- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MR. OLSEN MOVED TO APPROVE THE TIER WORK GROUP PROPOSAL NO. 1 AS MODIFIED TO ELIMINATE THE ASTERISK LANGUAGE. MS. BASS SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

- Ms. Dopf asked for clarification regarding whether the new motion includes the modifications of infusing the language discussed by Ms. Bass.
- Mr. Olsen stated his motion includes what Ms. Bass discussed.
- Chairwoman Taycher stated the next proposal is the Tier Work Group Proposal No. 2.

Tier Proposal No. 2: NRS 656A.100 is so restrictive as to make compliance virtually impossible by the overwhelming majority of Nevada’s court.

The Solution: Amend NRS 656A.100 to reflect the realities associated with court operations in Nevada. That NRS 656A.100 be amended to reflect that the courts will make every attempt to locate certified sign language interpreters for defendants, witnesses, and jurors, and the presiding judge will make the determination as to the availability of certified interpreters. Qualified, not necessarily certified, interpreters may be used only when a certified interpreter cannot be found for a given proceeding without a significant delay to the proceeding, not as a cost-saving measure, but that courts will make and document every attempt to use certified sign language interpreters in the more complex, difficult, or legally significant assignments such as: (a) capital trials; (b) criminal trials where potential penalties include significant terms of incarceration; (c) criminal trials with decisions that might be used in the future for enhancement purposes; and (d) civil trials with highly technical terminology by witnesses. The courts may elect to provide interpreters for spectators when appropriate, such as for the deaf spouse of a criminal defendant. Additionally, that the courts will provide a voir dire (administered by the presiding judge) and a code of ethics, which will include proscriptions regarding conflicts of interest, that sign language interpreters will sign and have notarized before working in the courts, and that those documents will be kept on file at the Administrative Office of the Courts.

- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MR. OLSEN MOVED TO APPROVE THE TIER WORK GROUP PROPOSAL NO. 2. MS. FANNING SECONDED THE MOTION.

- Chairwoman Taycher stated her notes indicate that wording was discussed for stricter language.
- Ms. Fanning clarified that if the language provided by the AOC is approved, it would be accepted as the standard language for legal interpreters. She stated she was of the understanding that if an oversight committee is put in place, the AOC would participate in the writing of the regulations.
- Chairwoman Taycher called for a vote.

UPON THE CALL OF THE CHAIR, THE ADVISORY COMMITTEE VOTED TO APPROVE THE TIER WORK GROUP PROPOSAL NO. 2. THE MOTION PASSED UNANIMOUSLY.

- Chairwoman Taycher moved to the Oversight Work Group Proposal No. 1 and asked for a motion on moving Chapter 656A to Chapter 426 of NRS.

Oversight Proposal No. 1: That Chapter 656A of NRS be stricken and moved under Chapter 426.

In conjunction with the ODS, DHHS, it is proposed that a bill draft requesting sections of Chapter 656A of NRS be stricken and changes referring to specific regulations governing the necessary certifications and certification requirements for interpreters and CART providers be added under Chapter 426 of NRS (Appendix A). This would allow for the development of regulations for a Board of Interpreters and CART Providers for the Deaf and Hard of Hearing. This entity would be managed under the ODS. Included in the proposed regulations would be the recommendations from the work group on Certification and Tier System of Interpreter Qualifications, a formal grievance procedure, an oversight and compliance procedure, and a standardized qualification/application process for interpreters and CART providers. It is strongly recommended that the ODS establish and maintain the Bureau of Vocational Rehabilitation, DETR, mandated State Registry of Interpreters. Consideration will be given by ODS regarding the realignment of the Communications Access Council which is under the direction of ODS, to include expertise for interpreters and CART providers. This change to statute would effectively consolidate several scattered functions related to deafness under one agency.

Fiscal Note: The ODS is willing to fund the establishment and initial upkeep of the Interpreter Board and State Registry (currently managed by the Bureau of Vocational Rehabilitation) through the possible use of PUCN funds. Additionally, the cost of writing the regulations would be absorbed under their budget and through additional grant funds.

- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MR. OLSEN MOVED TO APPROVE THE OVERSIGHT WORK GROUP PROPOSAL NO. 1. MS. DEREIMER SECONDED THE MOTION.

- Mr. Olsen indicated support should focus on Kindergarten through 12th grade, college, and the university level. He amended his motion to include the language.
- Chairwoman Taycher stated that a vote can be taken on the concept of Proposal No. 1 with the understanding that the work group leaders, Ms. Dopf and Mr. Butterworth, assist with crafting the language to meet intent of the discussion.
- Chairwoman Taycher reviewed the motion to adopt Proposal No. 1, with Mr. Olsen stating that education means all education.

UPON THE CALL OF THE CHAIR, THE ADVISORY COMMITTEE VOTED TO APPROVE THE OVERSIGHT WORK GROUP PROPOSAL NO. 1. MS. DOPF AND MS. MATTEONI ABSTAINED. THE MOTION PASSED.

- Chairwoman Taycher brought forth the Oversight Work Group Proposal No. 2:

Oversight Proposal No. 2: Qualifications of Legal Interpreters must be clarified and codified by the Nevada Courts.

It is recommended that additional specific requirements be included for Sign Language Interpreters in legal settings addressing the concerns of the AOC in regards to the scarcity of qualified interpreters under the current NRS. Nevada, as a member of the National Center of State Courts since 2001, would be able to incorporate the Model Legislation for Sign Language Interpreters, Chapter 7; *Visual Modes of Communication: Interpreting for Deaf Persons* (Appendix B). It is highly recommended that these guidelines be added to the State Court Administrator Guidelines for the Nevada Certified Court Interpreter Program. (Appendix C). *Certification and Qualifications for Providing Legal Interpretation for the Deaf and Hard of Hearing* is provided by the community and the Court Interpreters of the Ohio Valley (Appendix D).

It should be noted that the Chairwoman of the Consortium, the Honorable Patricia Griffin, specifically addressed the Advisory Committee's concerns regarding the lack of qualified or certified interpreters available to rural communities. After due consideration, this work group strongly urges the members of this Advisory Committee and the members of the Legislative Committee on Persons with Disabilities to adopt similar language and standards. (These same recommendations were considered and included with the original Senate Bill 245 [Chapter 372, *Statutes of Nevada 2001*].)

It is further recommended that the mandatory voir dire of all uncertified interpreters be used in any Nevada court to ascertain their level of competence. Additionally, any certified

interpreter should undergo voir dire if they have not worked for that specific judge or court in the past.

- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MS. FRANK MOVED TO APPROVE THE OVERSIGHT WORK GROUP PROPOSAL NO. 2. MS. BASS SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- Chairwoman Taycher addressed the Oversight Work Group Proposal No. 3.

Oversight Proposal No. 3: Funding for training of interpreters.

It is recommended that the NSHE include in their 2008 budget the necessary funding for the development and training of Sign Language Interpreters. One of the reoccurring issues is the lack of appropriate training within the State of Nevada. Since the creation of Chapter 656A of NRS there have been great strides made in fulfilling this need. In 2002, the Community College of Southern Nevada established an Interpreter Preparation Program offering an A.S. degree. Currently, Western Nevada Community College is offering classes in interpretation and making efforts to establish a degree program. These college programs are severely hampered by the lack of funding and resources to provide quality instruction and training in order to meet the demands of the consumers in the state. It is recommended that the attached proposed estimates (Appendix F) for statewide training be considered in order to advance training and educational opportunities for future and current interpreting students. Many of these interpreters are currently placed in positions in educational settings without the appropriate skills and are providing inadequate interpreting services to deaf students and consumers thus affecting their educational achievement. The proposed estimate addresses the need for additional teachers, small class size, and the required technology necessary for instruction within the parameters of a visual language.

- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MS. FRANK MOVED TO APPROVE THE OVERSIGHT WORK GROUP PROPOSAL NO. 3. MS. MATTEONI SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- Ms. Bass asked to amend one item. She recommended that colleges reduce their full time enrollment requirements for American Sign Language and Interpreter Preparation courses.

MS. FRANK AMENDED HER MOTION TO INCLUDE LANGUAGE THAT COLLEGES REDUCE THEIR FULL TIME ENROLLMENT REQUIREMENTS FOR AMERICAN SIGN LANGUAGE AND INTERPRETER PREPARATION COURSES. MS. MATTEONI SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- Chairwoman Taycher addressed the Oversight Work Group Proposal No.4.

Oversight Proposal No. 4: Educational Interpreter Guidelines to be standardized.

It is recommended that a Nevada State Educational Interpreter's Handbook be developed to serve as a guideline to school districts regarding the hiring and use of interpreters in educational settings. One of the major concerns that have repeatedly been brought to this Advisory Committee's attention is the need for school districts (especially those in rural areas) to have some way of hiring, supervising, and assessing the qualifications of educational interpreters. There are many examples of these handbooks from other states available on the Internet. These previously published manuals can serve as templates for Nevada thereby decreasing costs. Since this handbook would be used primarily by the educational community, it would stand to reason that the NDE would receive the greatest benefit from having a standard guideline for districts to follow on hiring interpreters. It is recommended that an Advisory Board of experts on interpreting, interpreter educators, and deaf community leaders be established to assist the NDE in the development of a statewide handbook. The State of Colorado has a similar demographic make-up as Nevada with large urban centers and expansive rural areas. We have included the Colorado Department of Education's *Educational Interpreter Handbook* as a reference. We have included one example; however, this Work Group would stress the vast number of such handbooks that are already in print and use (Appendix G).

- Ms. Fanning recommended that the Legislature provide funding for the experts needed to assist with the development of the guidelines and for copying and distribution expenses.
- The Advisory Committee **APPROVED THE FOLLOWING ACTION:**

MS. FANNING MOVED TO APPROVE THE OVERSIGHT WORK GROUP PROPOSAL NO. 4. MR. OLSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- Chairwoman Taycher thanked the Advisory Committee for their hard work. She noted that a document with the approved recommendations would be finalized for the June 19, 2006, meeting of the Legislative Committee on Persons with Disabilities. She requested that each work group team leader present their final recommendations at that meeting.

ADJOURNMENT

There being no further business to come before the Advisory Committee, the meeting was adjourned at 1:25 p.m.

Respectfully submitted,

Sandra Gibbons
Senior Research Secretary

Michelle L. Van Geel
Senior Research Analyst

APPROVED BY:

Karen Taycher, Chairwoman

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Michelle L. Van Geel, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit B](#) is the “Final Report of the Legislative Committee on Persons with Disabilities Advisory Committee’s Work Group on Oversight and Licensure,” submitted by Caroline Preston Bass, Oversight Work Group Team Leader, dated June 1, 2006.

[Exhibit C](#) is the “Final Report of the Legislative Committee on Persons with Disabilities Advisory Committee’s Work Group on Certification and Establishment of a Tier System,” submitted by Cindy Frank, Tier System Work Group Team Leader.

[Exhibit D](#) is the “Recommendations of the Administrative Office of the Courts, Nevada Supreme Court,” submitted by David O. Gordon, Court Interpreters Program Coordinator, Administrative Office of the Courts, Nevada Supreme Court.

[Exhibit E](#) is the “Final Report of the Legislative Committee on Persons with Disabilities Advisory Committee’s Work Group on Education,” submitted by Rhonda Feldman, Education Work Group Team Leader, dated May 31, 2006.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.