



# **NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES ADVISORY COMMITTEE**

*(Nevada Revised Statutes [NRS] 218.53796)*

## **SUMMARY MINUTES AND ACTION REPORT**

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The first meeting of the Nevada Legislature's Legislative Committee on Persons with Disabilities Advisory Committee was held on April 11, 2006, at 1 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas Nevada. The meeting was videoconferenced to Room 3138 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](http://www.leg.state.nv.us/73rd/Interim). In addition, copies of the audio record may be purchased through the Publication Office of the Legislative Counsel Bureau (LCB) (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

### **ADVISORY COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Karen Taycher, Chairwoman  
Caroline Bass  
Rhonda Feldman  
Cindy Frank  
Jack Mayes  
Gary Olsen  
Linda Raymond

### **ADVISORY COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Michael Coleman  
Kelley DeReimer  
Gloria Dopf  
Danell Fanning  
David Gordon  
Betty Hammond  
Jacque Matteoni  
Sally Ramm  
Gayle Sherman

## **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  
Yvonne M. Goodson, Senior 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 and gave each member an opportunity to introduce themselves.

## **DISCUSSION OF ISSUES AND PROBLEMS ARISING FROM THE PROVISIONS OF *NEVADA REVISED STATUTES* (NRS) CHAPTER 656A “INTERPRETERS AND REALTIME CAPTIONING PROVIDERS” AND PROPOSED SOLUTIONS TO THOSE ISSUES AND PROBLEMS**

- Chairwoman Taycher opened the meeting for discussion concerning changes to Chapter 656A of NRS. She explained that meeting packets were sent to members with information from the previous meetings of the Legislative Committee on Persons with Disabilities ([Exhibit B-1](#), [Exhibit B-2](#), [Exhibit B-3](#), [Exhibit B-4](#), and [Exhibit B-5](#)). A copy of Chapter 656A was provided to members ([Exhibit C](#)).
- Mr. Olsen stated his recommendations for changes to Chapter 656A ([Exhibit D](#)), which would provide opportunity for equal access for language, rather than just an interpreted concept.
- Ms. Fanning stated that Chapter 656A should define the skill of interpreting and what is required for interpreters that work in school districts and within the community. Additionally, she commented that the education of deaf children should be addressed.
- Mr. Olsen was of the opinion that educational issues, interpreting issues, and Interagency Transition Advisory Board issues should be addressed by the Advisory Committee.
- Ms. DeReimer stated that Nevada’s schools are the number one employer of sign language interpreters. She addressed interpreting standards, lack of qualified interpreters, and hiring processes in the education arena.
- Ms. Raymond suggested that Nevada high schools offer American Sign Language (ASL) as a foreign language credit.

- Ms. Fanning stated that ASL is not taught in any school and students do not have access to the program until college; however, the mechanism to teach ASL as a foreign language in high schools is available. She noted that there is not a central reporting agency to deal with deafness or interpreter issues.
- Ms. DeReimer commented that there was structure in the original bill that created Chapter 656A of NRS (Senate Bill 245 from the 2001 Legislative Session [Chapter 372, *Statutes of Nevada 2001*]), which is now missing. That lack of structure is causing problems because the current statute does not deal with moving the novice interpreter to the mastery level of certification.
- Ms. Fanning stated that the Individuals with Disabilities Education Act (IDEA) is a federal law that provides states with the right to clarify “qualified.” Originally, S.B. 245 clarified a qualified interpreter under IDEA.
- Mr. Gordon commented that the challenges to bring Nevada’s courts into compliance are mainly due to interpreter availability. He further stated that the spoken language program is set by statute, which does not require spoken language interpreters to be certified in this State. He noted that a search of the Registry of Interpreters for the Deaf databases found 21 people listed. The majority are in Clark County; many are retired, semi-retired, or will not work for the courts; and only two individuals had legal specialist certificates. It is the position of the courts that NRS 656A.100 be amended to reflect that the courts make every effort to locate certified sign language interpreters for defendants, witnesses, and jurors; however, the presiding judge will make the determination as to the availability of certified interpreters ([Exhibit E](#)).
- Ms. Bass commented that Indiana has a board of interpreter standards and its regulations provide graduates of interpreter preparation programs a grace period of five years in which they are given an opportunity to become certified. She further commented that the graduates are provided with mentorship and professional development opportunities so that they can develop their skills to take the national evaluation ([Exhibit F](#)). She also noted that Kentucky has information on interpreter regulations ([Exhibit G](#)).
- Ms. Dopf stated that whether the standard for education is set at 4.0 or at a different level, the education community should be involved. She further stated that the concept of a tiered system and better training to improve skills to achieve an ultimate standard, along with dedicated funding, is needed.
- Ms. Fanning stated that the misdemeanor penalty and \$5,000 fine was not in the original bill. She also indicated that an interpreter provision for the rural counties was in the original draft.
- Ms. DeReimer noted that establishment of a licensing board was included in the original bill. She commented that the legal environment is unique and it takes a special

knowledge base to interpret in court. She also stated that the Advisory Committee should clarify the meaning of good faith effort and satisfactory progress.

- Mr. Coleman posed the following questions. (1) Was there a needs assessment and is it current? (2) What is the existing capacity? (3) What are short-term and long-term capacity issues?
- Ms. Frank reiterated that good faith effort and satisfactory progress should be clarified. She questioned who is qualified to oversee and evaluate interpreters.
- Ms. Fanning indicated that the State of Colorado went through an entire educational reform that addressed these issues which could assist school districts in writing appropriate job descriptions and finding mentors for students. She further stated that an umbrella agency is needed to provide information that is consistent for every county and to provide the same access to information for every teacher of the deaf and every interpreter.
- Ms. Hammond commented that if a task force or committee were established, school districts, Communication Access Realtime Translation (CART), and vocational rehabilitation should be involved. She further stated that vocational rehabilitation has, in the past, provided funding for interpreter training. Additionally, funding may be sought through the Public Utilities Commission of Nevada for advocacy programs.
- Ms. Feldman stated that tier level programs should be developed to mentor and support adults and high school students in ASL. She also stated that CART and TypeWell reporting systems have established standards, a registry, a monitoring system, and hiring guidelines ([Exhibit H-1](#), [Exhibit H-2](#), and [Exhibit H-3](#)).
- Ms. DeReimer suggested establishing a subcommittee or task force to develop a tiered system that can be included in statute and will address the issues of “filling the gap” for interpreters to advance from novice level to master interpreter.
- Ms. Frank was of the opinion that Nevada’s school districts are avoiding the law by using sign language aids.
- Ms. Matteoni stated that a tier system is needed to ensure that interpreters stay within the law. A definition of what is good faith effort and satisfactory progress is also needed.
- Ms. Dopf reiterated that a tiered system is needed and stated that she is advocating for dedicated funds to help expand and build on the training programs. She recommended that a governing body or licensing body, similar to what was in the original bill, be established.

- Ms. Fanning stated she holds a 4.8 level from The Boys Town National Research Hospital who developed the Educational Interpreter Performance Assessment (EIPA), which is the most widely used educational system test in the United States. It is anticipated that the EIPA will be adopted by the National Registry of Interpreters for the Deaf for the educational certification process.
- Chairwoman Taycher reminded the members that the framing issue is the certification level of interpreters; however, there may be other consensus issues that are related to items such as coordinating bodies, funding issues, and other recommendations.
- Ms. Dopf suggested utilizing a labeling system tied to the tiered system. She commented that if the Advisory Committee recommends establishing a licensing or certification board, the board should provide some type of document that is easy for the consumer to understand.
- Chairwoman Taycher suggested the Advisory Committee members form working groups. One group should discuss certification and the tiered system and make recommendations on utilizing the tiered system with the current certification structure. She also mentioned that the Advisory Committee will focus on the CART system and other technologies that are or could be included in Chapter 656A at the next meeting. Chairwoman Taycher clarified that educating children who are deaf and have hearing impairments is a global concern and that CART, Note Takers, and TypeWell are other methods of getting information to students.
- Discussion ensued in which the members suggested additional topics for consideration in the working groups: (1) education concerns; for example, qualified teachers apart from interpreter services; (2) students transitioning from high school; (3) funding to support expansion of training programs and incentives; (4) including specific language in statute for the rural counties that are having difficulties accessing interpreters and consider funding to purchase compressed videos for the rural courts to have access to interpreters in the larger metropolitan cities; and (5) allowing a deaf person to choose the mode of communication with which they are comfortable.
- Mr. Gordon stated that NRS 656A.100, "Interpreters and Realtime Captioning Providers" specifies the qualifications for medical interpretation and interpreting in a legal setting.
- Chairwoman Taycher stated that the work groups will be kept to five or six members so as not to have a quorum of the Advisory Committee. She further stated that the work groups will meet at least once before the next meeting of the Advisory Committee.
- Mr. Coleman asked if the work groups will need to function under the Open Meeting requirements.

- Leslie K. Hamner, Principal Deputy Legislative Counsel, Legal Division, LCB, stated that the working groups do not need to work under the Open Meeting Law since the membership will not constitute a quorum of the Advisory Committee.

- Chairwoman Taycher noted the three work groups:

Work Group 1 — Certification and Tiered System;

Work Group 2 — Licensure and Oversight; and

Work Group 3 — Education and Transition.

## **DISCUSSION OF OTHER ISSUES RELATED TO INTERPRETERS AND REALTIME CAPTIONING PROVIDERS**

This item will be included on the Advisory Committee's next agenda.

## **PUBLIC COMMENT**

Kari Gallagher, private citizen, stated she and her husband have two children that are hearing impaired. One child who is oral deaf used the services of a Realtime captioner in the classroom. By utilizing this service, the student was able to comprehend all that transpired in the classroom and had access to the transcribed notes from each class. This child has since graduated from high school with a 3.4 grade point average and an honors diploma. In closing, she commented that the investment of using certified and qualified interpreters and closed captionists for hearing impaired children at an early age will pay off in the growth of successful adults.

## **DISCUSSION OF FUTURE MEETING DATE AND TIME**

Chairwoman Taycher noted that the next meeting of the Advisory Committee will be in Carson City on May 19, 2006, at 9:30 a.m.

## **ADJOURNMENT**

There being no further business to come before the Advisory Committee, the meeting was adjourned at 4:56 p.m.

Respectfully submitted,

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Sandra Gibbons  
Senior Research Secretary

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Michelle L. Van Geel  
Senior Research Analyst

APPROVED BY:

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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-1](#) is a letter from Lori Mead to Chairwoman Cegavske and Committee Members, dated March 23, 2006.

[Exhibit B-2](#) is a document titled “Overview Clark County School District, Student Support Services Division, Deaf and Hard of Hearing Services” prepared by Cynthia McCray, Director of the Low Incidence Disabilities Department, Clark County School District.

[Exhibit B-3](#) is a document titled “Response to Request for Information” prepared by Frankie McCabe, Director of Special Education, Nevada Department of Education.

[Exhibit B-4](#) is the written testimony of Kelley DeRiemer, Deaf and Hard of Hearing Advocacy Resource Center.

[Exhibit B-5](#) is the written testimony of Danell L. Fanning.

[Exhibit C](#) is a copy of Chapter 656A of *Nevada Revised Statutes*, “Interpreters and Realtime Captioning Providers.”

[Exhibit D](#) is the written recommendations of Gary Olsen, Executive Director of the Deaf and Hard of Hearing Advocacy Resource Center.

[Exhibit E](#) is the written recommendations of David Gordon, Administrative Office of the Courts, Nevada Supreme Court.

[Exhibit F](#) is a document titled “Deaf and Hard of Hearing Services Questions and Answers on Indiana Interpreter Certificate Continuing Education Units” submitted by Caroline Bass.

[Exhibit G](#) is a document on the State of Kentucky’s interpreter laws, submitted by Caroline Bass.

[Exhibit H-1](#) is a document titled “Communication Access Information Center: What Exactly is CART?” submitted by Rhonda Feldman, president for the Alexander Graham Bell Association for the Deaf and Hard of Hearing.

[Exhibit H-2](#) is a document titled “CART in the Classroom: Meeting the Communication Access Needs of Students Requires an Individual Approach” submitted by Rhonda Feldman, president for the Alexander Graham Bell Association for the Deaf and Hard of Hearing.



[Exhibit H-3](#) is a document titled “The TypeWell Educational Transcription System” submitted by Rhonda Feldman, president for the Alexander Graham Bell Association for the Deaf and Hard of Hearing.

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](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.