

**Committee on Disabilities
Interim Session – 2006
March 8, 2006, 9:00 a.m.**

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EXHIBIT H Legislative Committee on Persons with Disabilities
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Meeting Date: March 8, 2006

My Name is Danell L. Fanning and I am a nationally certified sign language interpreter holding full RID Certification and the EIPA at a level 4.8. I am a major proponent of NRS 656A that regulates sign language interpreters and CART reporters.

I am here today to give some history on what was SB-245 and is now NRS 656A. Initially SB 245 was set up to be regulated by a Board or regulatory system however; the cost of such a board was beyond the means of the handful of interpreters working in Nevada to support. Therefore the idea of a board was scraped and in its stead the drafters looked for an alternate means to provide a minimum standard for those individuals who were involved in the professional practice of interpreting.

Community interpreters, those interpreters who focus on providing interpreting services outside of the educational setting, have long been regulated by the national organizations of the Registry of Interpreters for the Deaf (RID) and the National Association of the Deaf (NAD). These two organizations both had established psychometrically evaluated national standards for assessing the skill levels of interpreters. These two testing systems were included in SB 245 based on their proven recognition and accuracy. Since NRS 656A passed in 2001, RID and NAD have merged their tests and there is now a combined testing system called the NAD-RID National Interpreter Certification (NIC), with previous certification levels remaining valid.

Educational interpreters, while recognized by both national organizations, have never had a separate test. When the drafting committee began to work on revamping the requirements for interpreters I was tasked to investigate educational interpreting standards. I spoke with the RID liaison for testing at the time and was informed that NAD and RID testing committee had chosen to set aside educational interpreter testing because there was a valid test already in place – the Educational Interpreters Performance Assessment (EIPA). Internet research listed Boystown National Research Hospital as the home base of the EIPA and their staff member, Kevin Williams, as one of the co-developers of the EIPA.

Over the course of a week I made several phone calls to Mr. Williams about the validity of the test, its accuracy, the various levels, what they reflected of an interpreter's ability, and what other organizations and/or states formally recognized the EIPA. Mr. Williams explained about the various Romans and levels, what they tested, how the test was rated, and that approximately 14 states recognized it either in law or in regulation. In addition, I called Salt Lake City Community College and spoke with the director of their testing program and she said that they were having great success with the EIPA. I also spoke with Dr. Lailoni Johnson at Front Range Community College in Colorado. She was and continues to use the EIPA as an entrance and exit tool for students enrolled in Front Range Community College interpreting programs. Mr. Williams also referred me to Dr. Brenda Schick, the co-developer of the test. She was unavailable by phone, but emailed me a break down of her research to that point on the levels in comparison to interpret ability.

I also made a call to Ms. Virginia (Ginny) Bowling, Lead Interpreter for Saint Petersburg College and a Local Test Administrator for the Florida RID Quality Assurance test for educational interpreters called the Educational Interpreter's Evaluation. This a highly respected state test that includes an Educational Interpreters Code of Ethics, both of

which I felt deserved to be investigated pursuant to the possibility of Nevada establishing their own guidelines under the Nevada RID Chapter or the Nevada NAD Chapter.

Additionally, I met with Jill Doremus, Teacher of the Deaf, at Wooster High School to discuss the requirements of the EIPA in comparison to the RID or NAD certification tests. Although she was not excited at the prospect of evaluating the interpreters, she expressed her belief that interpreters working at Wooster would have no difficulty in passing the EIPA. I also met with the interpreters of the Carson City School District. I spoke to them about the requirements that were being drafted and how it would impact them and asked for their feedback. I knew before entering the meeting that the interpreters that were attending felt threatened and were strongly against any requirements that questioned their abilities. The interpreters at this meeting expressed confidence in their interpreting ability and although none of them were in support of SB 245, all of them felt confident they would be able to pass an evaluation of their skills with the proposed level IV or approximately 80% accuracy of information transferal between languages.

I also spent time reviewing and researching the landmark Supreme Court decision regarding the use of interpreters, *Hendrick Hudson School District v. Rowley*, No. 80-1002 decided by the Court on June 28, 1982. This case sets the tone for the education of handicap children in general and since it was related to the use of interpreters and interpreted education.

I brought this information back to the drafting committee and made the recommendation that Nevada would be following the national trend to evaluate educational interpreters. I also stated that although the Supreme Court had ruled that a handicapped child had every right to receive a free and appropriate education, and that the state could adopt more stringent criteria than the minimum prescribed by federal law. The question was since we were attempting to legislate a possible maximum cap to the level of information a child could receive from classroom instruction what would be an acceptable level. Put

simply- if the interpreter could not relay 100% of the classroom content and the child would be tested throughout life on what they would receive from their interpreted education – what was an acceptable level of failure for the interpreter with the child’s life in the balance. Understandably, the Deaf members of the drafting committee felt that 100% was the minimum, some of the educational representatives felt that 65% was “passing” and the interpreters felt that 85-90% accuracy was in-line with current national testing guidelines. After a heated debate 80% was agreed upon as the **minimum** level of accuracy for an educational interpreter.

Looking back at the history of this bill and now law the debate has not changed. We sit here today as we did five years ago and debate 65% is “good nuf,” 100% is unrealistic and the middle ground is being fought over by anyone that is not *directly* impacted. No children from the schools have been interviewed without the district being **fully** involved, but they can’t use their own interpreters because NONE of them comply with the state law and can interpret for a legal proceeding such as this hearing today.

I challenge each of you to step outside of your comfort zone and meet with a student that is out looking for an interpreter they can understand – *on their own!* It is not the districts that are looking but the students that see a once in a life time opportunity passing them.

There is an old axiom in the interpreting world – Deaf children are tested on the interpreter’s ability - as it stands right now there is not a deaf child that can pass a test based on their assigned interpreter’s ability or inability.