

COMMITTEE STATEMENT

LB 782

HEARING DATE: 3/2/99

COMMITTEE ON: Education

TITLE: (Kiel, Coordsen, Crosby, C. Peterson, Price, Schimek, Suttle) Provide for licensure of interpreters and provide duties for the Commission for the Deaf and Hard of Hearing

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

5	Yes	Senators Brashear, Bohlke, Stuhr, Suttle, Price
1	No	Senator Coordsen
0	Present, not voting	
2	Absent	Senators Raikes, Wickersham

PROPOSERS

Senator Shelley Kiel
Tanya Wendel
Kevin Williams
Carla Engstrom
Debra Weyer
Don Anderson
Connie Ainsley
Kathi Hesser

REPRESENTING

Introducer
Commission for Deaf and Hard of Hearing
BoysTown Research Hospital (with Connie Ainsley)
Nebraska Registry of Interpreters for the Deaf
Parent
Department of Education
BoysTown Research Hospital
Parent

Written:

Raymond Meester

Self

OPPOSERS

REPRESENTING

NEUTRAL

Virgil Horne
Barbara Woodhead

REPRESENTING

Lincoln Public Schools
Self

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SUMMARY OF PURPOSE AND/OR CHANGES:

Legislative Bill 782 provides for the licensure of interpreters for the deaf and hard of hearing and requires the use of licensed interpreters by state agencies and political subdivisions.

Section 20-150 is amended by adding an intent for all interpreters in the state to be licensed by the Commission for the Deaf and Hard of Hearing by September 1, 2001. Prior to that, the Commission shall develop guidelines for qualification and training to implement the guidelines. The Commission shall also adopt rules and regulations and develop a roster of licensed interpreters for referrals and other purposes. The intent to assure qualified educational interpreters is modified by adding postsecondary educational institutions as users of the educational interpreters.

Section 20-151 is amended by adding licensure to the definition of qualified interpreters.

Section 20-156 is amended by declaring that the Commission will have full responsibility for the process of evaluation, granting of licensure, and maintenance of the roster. The Commission shall create the Interpreter Review Board to set policies and procedures for evaluation and licensing. The Commission may recognize the evaluation and certification programs of the Nebraska Quality Assurance Screening Test, the National Registry of Interpreters for the Deaf, the National Association of the deaf, the educational Interpreter Performance Assessment, and similar assessment programs.

The Commission shall establish and charge fees for licensure, including applications, renewals, modifications, and record keeping, pursuant to §§ 20-150 to 20-159. All fees shall be remitted to the State Treasurer for credit to the Commission for the Deaf and Hard of Hearing Fund and shall be disbursed for payment of related expenses.

The current list of various types of qualified interpreters is modified to be a roster of licensed interpreters and the employment for which they are licensed.

The Commission is given authority to revoke licenses for violations of rules and regulations. The Interpreter Review Board will serve as a board of inquiry. The Commission, through the Board, will investigate claims that state agencies or political subdivisions are using unlicensed interpreters. The Commission shall give written notice to state agencies and political subdivisions that are employing unlicensed interpreters. The Commission shall monitor state agencies to prevent future violations and may fine political subdivision up to \$500 per violation. Fines will be remitted to the State Treasurer for credit to the permanent school fund. Unlicensed interpreters shall be given written notice for each violation and shall be informed of the training and licensure requirements. Decisions of the Commission are subject to review according to the Administrative Procedure Act.

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Section 20-159 is amended to require the use of fee guidelines established by a recognized registry of interpreters.

Section 71-4720.01 is amended by adding a reference to the new section.

Section 71-4727 is amended by adding a reference to the new section.

Section 71-4728 is amended by adding licensure and maintenance of the interpreter roster as duties of the Commission. The roster shall be made available to local, state, and federal agencies and shall be used for referral to private organizations and individuals seeking interpreters.

A new section requires the Commission to appoint the Interpreter Review Board, which shall consist of the following members:

1. The Commissioner of Education or designee;
2. The Director of Health and Human Services or his designee;
3. Two deaf or hard of hearing persons;
4. Two licensed interpreters;
5. Two members representing local government; and
6. One member representing the public at large who has knowledge of deaf and hard of hearing issues.

The director of the Commission, or a designee, shall serve as an ex officio member.

The Board will establish policies and procedures for evaluating and licensing interpreters, including, but not limited to, testing, training, grievances, and license revocation. Except for the director, members may not serve more than 3 consecutive years. Members may be removed by the Commission for inefficiency, neglect of duty, or misconduct in office, after a copy of the charges is delivered to the member an opportunity to be publicly heard in person, or by counsel, is given with at least 10 days notice.

Section 71-4732 is amended by adding references to § 20-156 as a section that directs money to the Commission for the Deaf and Hard of Hearing Fund. Section 20-156 and the new section are added as references for provisions that the fund will be used to administer.

EXPLANATION OF AMENDMENTS, IF ANY:

The committee amendments rewrite the bill, but maintain most of the original intent to license interpreters for the deaf and hard of hearing and to require the use of licensed interpreters by state agencies and political subdivisions. All references to qualified interpreters are replaced with references to licensed interpreters or licensed educational interpreters. Licensed educational interpreters are distinguished from other licensed interpreters. The qualifications for licensed educational interpreters will be established

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by the Department of Education, but the Commission for the Deaf and Hard of Hearing will issue the license and maintain a roster.

Section 20-150 is amended by adding an intent for all interpreters to be licensed by the Commission for the Deaf and Hard of Hearing by September 1, 2001. Prior to that date, the Commission shall develop guidelines for qualification and training to implement the guidelines. The Commission shall also adopt rules and regulations and develop a roster of licensed interpreters for referrals and other purposes.

Section 20-151 is amended by adding definitions for licensed educational interpreters and licensed interpreters. Licensed educational interpreters must demonstrate proficiencies as required by the guidelines established by the Department of Education. Licensed interpreters must demonstrate proficiencies as required by the guidelines established by the Commission for the Deaf and Hard of Hearing. The existing definition for qualified interpreter is deleted.

Section 20-152 is amended by replacing references to qualified interpreters with references to licensed interpreters.

Section 20-153 is amended by replacing a reference to qualified interpreters with a reference to licensed interpreters.

Section 20-154 is amended by replacing references to qualified interpreters with references to licensed interpreters.

Section 20-156 is amended by declaring that the Commission will have responsibility for the evaluation and licensure of licensed interpreters. The Department of Education shall be assigned responsibility for the evaluation of licensed educational interpreters and the Commission shall license any interpreter meeting the guidelines of the Department of Education. The Commission shall maintain a roster of licensed interpreters and licensed educational interpreters. The Commission shall create the Interpreter Review Board to set policies and procedures for evaluation and licensing. The Commission may recognize evaluation and certification programs for evaluating interpreters' skills.

The Commission shall establish and charge fees for licensure, including applications, renewals, modifications, and record keeping. All fees shall be remitted to the State Treasurer for credit to the Commission for the Deaf and Hard of Hearing Fund and shall be disbursed for payment of related expenses.

The current list of various types of qualified interpreters is modified to be a roster of licensed interpreters and licensed educational interpreters and the employment for which they are licensed.

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The Commission is given authority to revoke licenses for violations of rules and regulations of either the Commission or the Department. The Interpreter Review Board will serve as a board of inquiry. The Commission, through the Board, will investigate claims that state agencies or political subdivisions are using unlicensed interpreters. The Department shall investigate claims of the use of unlicensed educational interpreters. The Commission shall give written notice to state agencies and political subdivisions that are employing unlicensed interpreters. The Commission shall monitor such agencies to prevent future violations and may fine political subdivision up to \$500 per violation. The Department shall implement procedures to ensure the compliance of any school districts, educational service units, or approved service agencies with rules and regulations of the department in the employment of licensed educational interpreters. Fines will be remitted to the State Treasurer for credit to the permanent school fund. Unlicensed interpreters and unlicensed educational interpreters shall be given written notice for each violation and shall be informed of the training and licensure requirements. Decisions of the Commission are subject to review according to the Administrative Procedure Act. Fines shall be remitted to the State Treasurer for credit to the permanent school fund.

Section 20-159 is amended to require the use of fee guidelines established by a recognized registry of interpreters.

Section 71-4720.01 is amended by adding a reference to the new section.

Section 71-4727 is amended by adding a reference to the new section.

Section 71-4728 is amended by adding licensure and maintenance of the interpreter roster as duties of the Commission. The roster shall be made available to local, state, and federal agencies and shall be used for referral to private organizations and individuals seeking interpreters.

A new section requires the Commission to appoint the Interpreter Review Board, which shall consist of the following members who have knowledge of sign language:

7. The Commissioner of Education or designee;
8. The Director of Health and Human Services or designee;
9. The Executive Director of the Commission or designee;
10. Two deaf or hard of hearing persons;
11. Two licensed interpreters; and
12. Two members representing local government.

The Board will establish policies and procedures for evaluating and licensing interpreters, including, but not limited to, testing, training, grievances, and license revocation. Except for the Commissioner of Education, the Director of Health and Human Services, and the Director of the Commission, members may not serve more than 3 consecutive years. Members may be removed by the Commission for inefficiency, neglect of duty, or misconduct in office, after a copy of the charges is delivered to the member an

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opportunity to be publicly heard in person, or by counsel, is given with at least 10 days notice. The members shall not be compensated, but shall be reimbursed for expenses.

Section 71-4732 is amended by adding references to § 20-156 as a section that directs money to the Commission for the Deaf and Hard of Hearing Fund. Section 20-156 and the new section are added as references for provisions that the fund will be used to administer. Obsolete language is eliminated.

Senator Ardyce Bohlke, Chair
Committee on Education