



# **Pennsylvania Interpreter Laws**

Presented by

**Office for the Deaf & Hard of Hearing**  
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# Agenda

- Introductions
- ODHH overview
- History—how did Pennsylvania get 3 laws?
- Snapshot of 3 interpreter laws
- Act 57, Act 172 & Chapter 14: current concerns & next steps
- Wrap-up

# ▶ ODHH: the big picture

An office within the Department of Labor & Industry

Office locations: Harrisburg, Allentown, & Johnstown

Staff of 5

3 core functions

- Advocacy
- Information & referral
- Administration of the Sign Language Interpreter & Transliterator State Registration Act (Act 57)

No eligibility requirements, fee or age limits for our services

**Pennsylvania's “go to” office!**



# ▶ ODHH: Hearing Loss Expo

Showcases services & products for people who are deaf, deafblind or hard of hearing

- Exhibitors
- Educational workshops
- Simulation workshops
- Free hearing & vision screenings
- Activities for kids
- Transitional student program
- Organizations having meetings or trainings at the expo

**November 2 – 3, 2016**

**Radisson Harrisburg Hotel, Camp Hill, Pa**

**[www.dli.pa.gov/odhh](http://www.dli.pa.gov/odhh)**

## 3 Pennsylvania interpreter laws

### **Sign Language Interpreter & Transliterators State Registration Act**

Applies to all settings, except K-12 & judicial proceedings

### **Act 172**

Applies to all judicial proceedings

### **Title 22, Chapter 14**

Applies to K-12 settings

# ▶ How did PA get 3 laws?

## **1992-2003**                      **Seven bills were introduced and died in committee for various reasons:**

- Opposition from the medical profession
- Money attached to the bill
- Creation of another layer in government—test, licensure board & committee

## **1995**                              **PSAD & PARID created a taskforce to:**

- Stop **harm being done** by unqualified interpreters &
- Set standards for interpreters working in the Commonwealth

## **1997**                              **Governor Tom Ridge introduced his Disability Agenda**

- Department of L& I was charged to investigate the issue of quality of interpreting
  - ODHHS created a 13 member stakeholder group
    - Their rationale to create a standard was because:
      - There are no standards in PA
      - **Harm is being done** to citizens who are deaf or hard of hearing
      - ADA does not clearly define the term, qualified interpreter
    - Implemented a 2 step process: (1) create a Management Directive for agencies under the Governor's jurisdiction, then (2) law

# ▶ And the story continues...

## **1999 Management Directive 205.32**

- Applies to state agencies under the Governor's jurisdiction
- Contract with interpreters who have MCSC, CSC, CI, CT, CDI, NAD 4, NAD 5
- The intent was for this directive to be the foundation for the law

## **2004 Sign Language Interpreter & Transliterators State Registration Act**

- Originally had 8 exceptions and no provisional registration
  - 8<sup>th</sup> exception applied to doctor appointments
- Amendments:
  - 2006 to remove the EIPA requirement & replace with language giving PDE authority
  - 2009 to add provisional registration—died in committee
  - 2010 to add provisional registration & delete exception #8

## **2006 Act 172**

## **2008 Title 22, Chapter 14**

- After enacted, an attempt was made to raise the qualifications, but it was unsuccessful

# ▶ The genesis...

## **Sign Language Interpreter & Transliterater State Registration Act**

- Born from PSAD & PARID's TF to stop "harm being done" and it was
- Accomplished with the aid of Governor Ridge's Disability Agenda

## **Management Director 205.32**

- First step to set standards for interpreters in PA
- The idea came from the 13 member stakeholder group
- Was eventually amended to reflect the language in Act 57

## **Act 172-2006**

Pennsylvania's Supreme Court's *Report on Racial and Gender Bias in the Justice system*, March 2003

## **Chapter 22, Title 14**

- Act 57, exception #7—gives PDE the authority to develop standards
- The minimum standard for interpreters working in a K-12 setting was included in Title 14
  - PA's regulations for Individuals with Disabilities Education Act (IDEA)



# ▶ The 3 laws

## **Sign Language Interpreter & Transliterators State Registration Act (Act 57)**

- Applies to all settings, except K-12 & judicial proceedings

## **Act 172**

- Administered by the Administrative Office of Pennsylvania Courts (AOPC)
- Applies to spoken language & sign language interpreters
- Applies to all judicial proceedings
- Creates a roster of AOPC certified interpreters & interpreters must maintain it thru CEUs

## **Title 22, Chapter 14**

- Applies to K-12 setting
- Requires interpreters to be:
  - Qualified (state-registered) or achieve a score of 3.5 on the EIPA for the appropriate grade level
  - Annually, requires 20 hours of professional development in interpreting/transliterating skill development

# ▶ Act 57: Overview (current version)

- Pennsylvania law only
- ODHH is the administrator, including enforcement
- Applies to all settings, except K-12, & judicial proceedings
- Requires eligible interpreters to be registered (state or provisional)
- Defines qualified interpreter as one who is state-registered
- Has 8 exceptions

# ▶ Act 57: Provisional registration

## **Application requirements**

- Graduate from an IEP within 5 years of application date
- Passed the NAD-RID NIC Knowledge test or the CDI written test
- Eligible to take the performance test
- \$50 fee

## **Renewal requirements (twice)**

- 20 hours or 2 CEUs in the Professional Studies content area
- \$50 fee

## **Work limitations**

- Cannot interpret in a legal setting (governed by Act 172)
- Can work in a MH setting with a state-registered interpreter
- Cannot interpret in a critical care or emergency setting

**Limit to 3 consecutive years**

# ▶ Act 57: State Registration

## **Application requirements**

- Possess at least one of the following certifications:  
MCSC, CSC, CI, CT, CDI, NIC (all levels), NAD 4, NAD 5
- \$100 biennial fee

## **Renew requirements**

- Proof of certification
- \$100 biennial fee

## **Required documentation for application & renewal**

- RID membership card
- CMP cycle end date

## **Work limitations**

- Cannot work in judicial proceedings settings (governed by Act 172)

# ▶ Act 57: Exceptions

## The following individuals or settings do not require registration:

- Worship service & services for educational purposes for religious entity or religious affiliated school
- Emergency—when delay in obtaining a state-registered interpreter might lead to injury or loss
- Supervised internship or practicum  
Note: Cannot interpret in a legal setting  
Can interpret in a medical or MH setting with qualified interpreter
- RID or NAD certified interpreter who does not reside in PA, can interpret in the state not exceeding 14 days per calendar year
- Person who is deaf may request a non-registered interpreter
- Volunteers
- Educational setting—see Chapter 14
- Individuals who obtain provisional registration

# ▶ Act 57: Complaints

## **Act 57 gives the Department of L&I the authority to:**

- Give written notices
- Impose administrative fines not to exceed \$500 for each violation
- Suspend, suspend for a term limit, refuse to issue, refuse to renew or revoke a registration

## **# of complaints received: 44**

- Exception # 5
- Results: warning letters or revocations

**Challenge:** building a case/justification on an interpreter

## **2 situations:**

- An interpreter was ordered to “cease” interpreting due to multiple complaints
- An interpreter violated the act & due to the facts surrounding the complaint ODHH will pursue action if a 2<sup>nd</sup> complaint is filed

# ▶ Act 57: current concerns

Exception #5--person who is deaf may request a non-registered interpreter

How to hold interpreter referral agencies accountable

Develop an “alternate method” of eligibility for provisional registration

Change provisional registration from 3 years to 5 years

Deaf interpreters—how can they apply for provisional registration

Fix language discrepancy pertaining to emergency situations

Add late fee to provisional registrations

# ▶ Act 57: next steps

PARID & PSAD want to amend Act 57 & formed a committee

ODHH collected the concerns that were brought to our attention

ODHH met with PARID & PSAD presidents to get a commitment from both organizations

ODHH submitted a proposal to the Department of Labor & Industry's Legislative Affairs and Policy office to convene a stakeholder group

In the proposal, ODHH will be the lead and will invite organizations/folks who can address the concerns and assist in amending the act

ODHH is waiting for a response from Labor & Industry...



# ▶ Act 172: current concerns

Pennsylvania:

- Is a commonwealth therefore locally controlled
- Has 60 judicial districts

Education of the law, & enforcement is a challenge

- How to educate the local courts of the law
- How to educate the requestor of the law
- Enforcement—AOPC has an established complaint process
- How to get the judges to understand the reasons for the law

# ▶ Act 172: next steps

Judicial districts have:

- Language Access Plan which was implemented on March 1, 2015
- Language Access Coordinator

The Unified Judicial System (UJS)'s Language Access Plan:

- Will be submitted to the PA Supreme Court in August 2016
- Provides policy guidance & course of action for improving language access to all 60 judicial districts

District and UJS's plans:

- Address equal access to all court services
- Applies to the needs of individuals who have English as a second language, including ASL users
- Content area--, I.E. education, outreach, training, signage, translation

# Chapter 14: current concerns

Chapter 14 is regulation; technically it is not law

Pennsylvania:

- Is a commonwealth therefore locally controlled
- Has 501 school districts—who are responsible to implement the regulations

Skills, education (of the regulations), & enforcement is a challenge

- How to assist interpreters in meeting the skill requirements
- How to educate the parents regarding interpreter skills, assessments & advocate for qualified interpreters
- Educating the school districts of the requirements and the role of the interpreter
- Teaching self-advocacy skills to the students
- How to enforce it—what are the consequences

# Chapter 14: next steps

Develop a strategic plan to educate/clarify the role, qualifications & ethical boundaries of interpreters working in a K-12 setting

The plan is in its infancy stage. ODHH saw an increased in calls surrounding the 3 laws and how they apply to school settings

The plan is multi-pronged

- Audiences: administrators, local agencies, parents & students
- How: Agreements, trainings, materials

Lead by Educational Resources for Children with Hearing Loss (ERCHL) which is an advisory committee to the Bureau of Special Education

# Food for thought

Include all partners from the beginning

Remember—keep language broad in the law and put the details in the regulations & policy/ procedures

- Examples:
  - Change provisional Registration from 3 years to 5 years
  - Approved exams are listed in the regulations

Enforcement is a challenge

Education is the key

- Organizations setting policies & procedures

Need Grassroots organizations & individuals to hold accountable

# ▶ ODHH: Sharon Behun, Director

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