
REPORT OF THE

TASK FORCE

ON

INTERPRETER ISSUES

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INTRODUCTIONINTRODUCTION

BACKGROUNDBACKGROUND

During the Joint Legislative Sunrise Sunset Review Committee meetings held in the summer of 1991, a sunrise report concerning interpreters for the deaf was submitted for review. The sunrise application was put forth by the Deaf Organization of Colorado and the Colorado Association of the Deaf (CAD). Through research on the report, it was found that members of the deaf community had a valid concern about the level of interpreter services available within the state. Regulation of interpreters to ensure competency is supported by both consumers and professionals. This support is based on data which indicates that harmful practices by interpreters for the deaf occur in Colorado.

As a result of the 1991 Sunrise Review on interpreters, the Department of Regulatory Agencies recognized the importance of establishing a regulatory program for interpreters. At that time, there was not enough comprehensive information to establish an evaluation tool and licensure system for interpreters. In turn, it was suggested that a Task Force on Interpreter Issues be established. The duty of the Task Force as deemed by the Sunrise/Sunset Committee was to create a statewide evaluation system for interpreters that could be incorporated into a bill. The results and newly drafted bill are to be presented before the Sunrise/Sunset Committee during the 1992 Legislative Interim.

Many interpreters do not intentionally try to mislead deaf persons in conversation, but simply do not have the skills necessary to provide adequate translations. This is especially apparent in the Colorado public school system which effects approximately 1,000 persons out of the 29,939 Deaf living in Colorado. (1980 Census data) There are an additional 230,573 individuals with some degree of hearing loss living in Colorado.

Another event that had a significant impact on the need for Colorado to respond to this area is the implementation of the Americans with Disabilities Act of 1990; (Public Law 101-336). The law mandates that as of July 1992, employers with 25 or more persons must make reasonable accommodations for a physically or mentally disabled person. Next year, this law will expand to include all employers with fifteen or more employees. Under this law, a company must hire an interpreter for a deaf or hard of hearing person unless "undue hardship" can be shown on the part of the employer. Therefore, it is imperative that qualified and skilled interpreters are available and identified throughout Colorado to meet the demand. The findings of Congress as stated in the Americans With Disabilities Act are of critical importance to the ultimate outcome of this Task Force. The findings include the following:

- (1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;**

- (2) historically, society has tended to isolate and segregate individuals with disabilities, and despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;**
- (3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;**
- (4) unlike individuals with disabilities who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often no legal recourse to redress such discrimination;**
- (5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotecting rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;**
- (6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;**
- (7) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypical assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to society;**
- (8) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and**
- (9) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.**

ROLE OF INTERPRETER

Sign language and oral interpreters serve a unique function in today's society. They function as communication facilitators and cultural brokers between deaf and hard of hearing individuals and the majority of the hearing society. Interpreters work in a variety of settings: mainstreamed classes in public schools, courtrooms, doctor's offices, federal and state agencies, college classrooms, professional societies, business and industry. In fact, they perform interpreter functions wherever there are deaf and hard of hearing citizens working or going to school.

Although there are a greater number of sign language interpreters currently employed in Colorado, it must be recognized that there is an oral Deaf population who need the services of oral interpreters. Oral interpreting is also a profession that requires training and skill to ensure that interpreting is accurate. This report and the attached bill reflects the need for establishing minimum competency of oral interpreters at the same time sign language interpreters are regulated.

In functioning as an interpreter, one must be able to act as a voice for the deaf person and also be able to sign-translate the voiced conversation of hearing persons. As an interpreter, one must abstain from personally participating in the conversation they are interpreting and maintain absolute confidentiality concerning all aspects of the interpreted conversation. Without a competent translation on the part of the interpreter, a deaf person cannot understand what is taking place around them and will not be able to respond appropriately. Thus, a competent interpreter is imperative to a deaf person as their link to the hearing world.

HISTORY OF INTERPRETING

There has been sign language as long as there have been deaf people. Sign language in America was formalized many years ago by Thomas Hopkins Gallaudet and Laurent Clerc. At that time, wherever there were groups of deaf people, there was a manual-gestural language, unique to that population. Clerc and Gallaudet borrowed basic structure from French Sign Language, incorporated some of the various American systems, and canonized American Sign Language. Thought by many to be "broken English", American Sign Language was finally identified as a separate language in approximately 1974. Since then much research has been done regarding its syntax, grammar and use.

The first interpreters were probably children of deaf adults. These children and young adults knew their parents' language and knew spoken English, and bridged the communication gap which existed between their parents and the hearing world. Later, others learned the language and learned to interpret. This was particularly true in churches which felt a mission to minister to the deaf population. Interpreters learned mostly through the "watch and do" method. They would learn the language through associating with deaf adults, and would learn to interpret by watching others and attending informal workshops.

In the early 1970's, formalized interpreter training programs were established and funded by the U.S. Department of Education. After extensive research, these programs designed a basic curriculum for training sign language interpreters. Beginning in 1978 and continuing through today, the Rehabilitation Services Administration of the U.S. Department of Education funds ten regional interpreter training programs each year. The business of training interpreters has grown, and currently there are over 64 Interpreter Training Programs (ITPs) in two and four year colleges across the country.

The driving force behind interpreter training was twofold. First, Deaf and hard of hearing citizens were taking advantage of their civil rights, guaranteed through the Rehabilitation Act of 1973. Secondly, there was a greater demand for interpreters. As with any profession, as the demand increased, so did the standards of performance. The Registry of Interpreters for the Deaf (RID) was established in 1964 to provide professional support to this burgeoning profession.

Prior to the Rehabilitation Act of 1973, most interpreting was done on a volunteer or "pro bono" basis. When equal access requirements became law, interpreters began to be seen as professionals by the government, by deaf people and by themselves.

The profession of interpreting evolved rapidly through the next two decades. To ensure some sort of standard of competency in the profession, the Registry of Interpreters for the Deaf (RID) developed and promulgated a certification examination. As knowledge increased about the cultural implications of deafness, the language involved, and the process of interpreting, the standards for competency increased. Today the profession guarantees competency through the national certification process of the Registry of Interpreters for the Deaf. Numerous states have also developed testing to ensure competency.

Many states have developed their own tests to evaluate interpreting skill. There are five basic reasons for this:

- 1) although viewed by RID as measuring "minimum skills", many other interpreters believe that the RID test evaluates only a high level of ability and cannot be passed by entry level interpreters;
- 2) states want their own test rather than being dependent on a national system;
- 3) the test is quite expensive for interpreters whose income is often limited;
- 4) some states and a number of interpreters have philosophical and political disagreements with the RID; and
- 5) Many interpreters want a diagnostic assessment of their skills. The RID evaluation is pass-fail with no feedback..

Until the passage of the Handicapped Children's Act of 1973 (PL 94-142), most deaf children attended their state's residential school. They received instruction through American Sign Language. Educators of the deaf had long been concerned about providing instruction in English to deaf children. A group of hearing and deaf individuals developed a signed representation of English called "Signing Exact English". The intent of this system was that individuals who already knew how to interpret would also become skilled in SEE II and use it in the public school classroom to model and teach English.

The demand for interpreters in the public schools quickly outpaced the supply. Faced with compliance issues and the scarcity of qualified interpreters, school districts were forced to hire untrained interpreters. These interpreters often worked in isolation, in rural and remote parts of the country, with little or no access to formal training and little or no contact with the adult deaf community.

TRAINING AVAILABLE IN COLORADO TRAINING AVAILABLE IN COLORADO

There is currently one interpreter preparation program in Colorado. It is housed at Front Range Community College and offers an Associate of Applied Science Degree in Interpreting. This program trains hearing individuals in American Sign Language, deaf culture, psychological implications of deafness, English vocabulary development, interpreting (English to American Sign Language), transliterating (English to signed English systems), SEE II, and educational interpreting. The program graduates an average of 20 students per year.

Also housed at Front Range Community College is one of the ten Federal interpreter training projects. This project is responsible for training interpreters in Region VIII - North Dakota, South Dakota, Montana, Utah, Wyoming and Colorado. Through this grant, some training has been provided to educational interpreters through summer courses in Denver and weekend and week-long workshops in the field.

DEFINITIONS DEFINITIONS

Educational Interpreter - One who functions as an interpreter in a mainstreamed setting in K-12. This interpreter primarily works with children, but is sometimes called upon to interpret for deaf parents of hearing or deaf children within the school district. Of the nearly 110 educational interpreters in Colorado, approximately 35 are graduates of FRCC Interpreter Preparation Program. Approximately 65 of these interpreters work in metro Denver or along the front range.

Free-lance Interpreter - One who functions primarily as an interpreter for deaf adults. This interpreter may work in college settings, business and industry, agencies, courts, etc. There are currently 45 certified interpreters in the state of Colorado, 43 of whom function as Free-Lance interpreters. The total number of free-lance interpreters in Colorado is unknown because there is no tracking mechanism in place.

Oral Interpreter - One who facilitates communication between hearing individuals and deaf and hard of hearing individuals using visible, voiceless speech.

THE PROCESS ITSELF THE PROCESS ITSELF

The Task Force on Interpreters Issues has met regularly throughout the past year. The membership of the Task Force is representative of all persons who may be affected by the new legislation being created. Members include representatives from the Department of Education, school districts, interpreters and the deaf community. The proposed legislation is the result of much work and research on the part of the Task Force members. The recommendations are supported by a large majority of the Task Force.

The process itself has been a very time consuming and difficult task. Hundreds of hours have been spent by Task Force and subcommittee members attempting to resolve some of the most controversial issues. Subcommittees were established for the evaluation tool, oversight and education. These subcommittees were open to anyone interested in participating to ensure fair representation. State testing programs from other states were brought to Colorado and evaluated by committee members. When Deaf Task Force members expressed concern about the interpreting at Task Force meetings, the meetings became silent with all participants using sign language. Participants who do not sign were provided interpreting services. All members of the Task Force agreed that interpreter skills must be expanded and that the Deaf and Hearing communities have a right to expect skilled interpreters. Knowing this, the Task Force was then forced to deal with the current interpreter situation in Colorado.

There is a shortage of skilled interpreters in the state. In many rural areas, there have been no skilled interpreters available and often school systems have responded by hiring unskilled members of the community with hopes that these individuals will learn the language of the Deaf and become effective interpreters.

Some members of the Deaf community are willing to accept the need to provide training throughout Colorado and give individuals who are employed as interpreters an opportunity to improve their skills and reach the minimal competency level over a five year period. This time limit was established by the Task Force in response to the opinion by experts in the field that it will take five years to fully train an individual to the minimum level of skill needed.

Other members of the Deaf community are extremely frustrated with this time period because they feel the time has come to provide quality interpreter services and that five years is too long a time period to wait. This frustration is understood and respected but the majority of the Task Force members believe that this time period is required to provide a transition period for current interpreters. All Task Force members believe that the passage of a law is critical to improving interpreter services in Colorado. Many participants also believe that in five years the skill level of interpreters will have improved and it will be time to establish a higher minimum standard. The

initial program is primarily developed to give current practicing sign language/oral interpreters in Colorado the necessary skills in a realistic time frame. To bring all individuals employed as interpreters in the state of Colorado to the minimal level of competency is a monumental task in and of itself. Extensive and creative training opportunities must be designed and implemented throughout the state.

Task Force members acknowledge that the proposed plan is not ideal but it is the most realistic plan that the majority of Task Force members felt could be implemented in the state of Colorado at this time. Some of the key issues reflected in the decisions of the Task Force are:

- A. Decisions made regarding the need for skilled interpreters are often made without adequate information about the available options. Parents, and often school administrators, do not know about deafness and the accompanying linguistic and cultural implications.
- B. The rural/urban mix in the State of Colorado presents a unique challenge to educating deaf children. In the cities along the front range; Denver, Boulder, Colorado Springs, Pueblo, and in Grand Junction on the western slope, services and interpreters are much more available than in rural parts of the state. While the level of quality in urban area is not totally acceptable, quality of service in rural cities is seriously compromised. The rural/urban situation in the state also hampers the delivery of training to existing and potential educational and free-lance interpreters. To be most effective, interpreter education needs to be consistent rather than intermittent, year-round rather than only in the summer, and closely tied to the adult deaf community. Since rural areas of the state do not have large numbers of either interpreters or deaf adults, the optimal training scenario does not exist. Alternative methods of delivery need to be explored. The public school system has begun to respond to the need by implementing an educational interpreting assessment tool to identify interpreter's areas of weakness and encourage improved skills. Front Range Community College has developed one videotaped interpreter training class to be made available throughout the states with plans to expand this program. Two federal grant applications for interpreter training monies were submitted to the National Department of Education. One proposal was not successful but will be resubmitted for possible funding next year. The second proposal has not yet received feedback from the funding source.
- C. The Registry of Interpreters for the Deaf (RID) administers a national certification test. This test is pass/fail, not diagnostic in structure. According to the RID, interpreters who pass this test and receive certification have the minimum level of skill necessary to function adequately as interpreters. Many interpreters do not agree with this premise.

There is a written test which must be passed before a candidate is eligible to take the skills portion of the RID test. This written test covers knowledge of the profession, deaf culture and the RID Code of Ethics. There are two separate skills tests - interpreting (English to American Sign Language and American Sign Language to English) and transliterating (English to Signed English and Signed English to English). The entire test costs \$550 with options for an interpreter to take each part of the test at a different time.

- D. Deaf and hard of hearing consumers want, and should be able to expect, quality interpreting. This is important to deaf adults as they conduct business, but it is critical for deaf children who are developing language, identity and self-esteem.

Faced with these issues, the subcommittee worked to reach consensus on several points. This consensus did not come easily and required compromise from every member. The subcommittee had to overcome many obstacles to reach agreement. On some issues, there continues to be different viewpoints although the bill prepared through this process represents a majority perspective in all areas. There were disparate views among the membership of the subcommittee regarding an evaluation tool. The deaf members have an intense burden for the poor quality of interpreting, some deaf children receive and for the variations in skill levels of free-lance interpreters. The Deaf value ASL as a deaf child's natural language, therefore, the most effective method of communication and instruction. They also want deaf children to become enculturated. They are understandably impatient for conditions to improve.

Yet the committee members from education (interpreters and administrators), support the use of SEE II in the public school system. They do not oppose the use of ASL, but primarily use SEE II or some version of Signed English. The compromise approved by the Task Force is to require all interpreters in the state to become minimally skilled in American Sign Language, Signed English and Signing Exact English. Although this compromise increases the testing requirements, it considers the language systems being used in the state in addition to the natural language of the Deaf, American Sign Language. An interpreter who has minimal skills in all three areas can only be better able to meet the needs of all Deaf consumers. This compromise indicates mutual respect for the strong differences of opinion.

Throughout the past year, there was discussion of a tiered evaluation system for interpreters to enable a majority of skill levels to be identified. There was a great deal of disagreement on what the design of that system should be. Ultimately members of the Task Force agreed that a significant step would be accomplished for the Deaf community of Colorado if all interpreters were able to perform at the minimal level. Yet, there was also agreement that this was a major compromise by all Task Force members to allow currently practicing interpreters the opportunity to improve. This decision begins the process of bringing skill levels of interpreters in Colorado to a level that will provide the Deaf community a complete link to the hearing world. The ultimate goal is excellence, while the immediate goal is to begin the process and create a forum for continued updating and improvement of the system.

The Task Force also recommends that during a sunset process prior to the recommended sunset date of July 1, 1999, the Task Force be reconvened to fully evaluate the impact of this program on Deaf services. In addition, raising the minimum level of competency and establishing a tiered system will be considered at that time.

The above stated issues are some of the main issues that affected the decisions of the Task Force. It was necessary for the committee members to develop mutual respect for each other's positions.

CONCLUSIONCONCLUSION

The goal of the Task Force was to develop a system which will improve the quality of interpreting in the state. Interpreters who are working now are those whose careers will feel the impact of this new system. It is important that their feelings be considered and their work be valued.

Colorado is the first state to gather representatives from the deaf community, education, interpreting and training to work through these serious issues and reach a common goal -improving the quality of interpreting for deaf children and adults for purposes of creating state law.

The Task Force considered many options for establishment of a regulatory system. It was decided that a policy autonomous board with an equal number of interpreters and Deaf citizens would be most effective (with an additional member at large). It was decided that some details of an evaluation system with time lines must be specifically stated in the statute so that interpreters and Deaf consumers could decide whether to support the final bill.

Another point of discussion was regarding a definition of "minimum standard." Some deaf committee members and some free-lance interpreters on the committee supported RID certification as a minimum. Others, including those involved in deaf education as administrators or educational interpreters did not agree. Their rationale was that the RID evaluation is too difficult, does not measure what educational interpreters do, and is too expensive.

A compromise was offered: to accept graduation from a Colorado Interpreter Preparation Program (IPP), or passing a test equivalent to the Interpreter Preparation Program (IPP) exit exam currently offered by Front Range Community College. This IPP skills exit exam measures interpreting and transliterating in ASL and Signed English, but does not test SEE II. A further compromise was to include a test for minimal level of competency in SEE II Transliterating. This means that all interpreters who work in Colorado will have at least a minimal level of skill in ASL interpretation, Signed English transliterating and SEE II transliterating. The IPP exit exam must be thoroughly evaluated to ensure that it is a valid test that measures minimum competency. If the test ultimately does not pass this evaluation, a new test will need to be developed as part of the board's responsibility.

There is much work remaining.

- * A test which is equivalent to the existing IPP exit exam must be developed, piloted and validated.
- * A written test and one which measures SEE II transliteration must be developed, piloted and validated.
- * Evaluators must be selected and trained.
- * A test for oral interpreters must be developed, piloted and validated.

- * Guidelines for the administration of this system must be developed.

The largest obstacle remaining relates to training. A plan must be developed to ensure that appropriate training opportunities are offered around the state. Efforts are ongoing to identify a funding base for this program. It is understood that funding sources must be identified to pay for training opportunities throughout the state. Two federal grants were submitted to the Department of Education in Washington D.C. this year. Foundations are being approached to more fully explore the need. Region VIII Rehabilitation monies are being investigated. Establishment grants through the Rehabilitation Division of the Department of Social Services are also being investigated. The Task Force agrees that interpreters will assist in cash funding this program but it is also understood that the small number of interpreters in Colorado, approximately 260, and their limited earning potential, in some areas minimum wage, would prevent the program from being fully cash funded.

The location of this program has been a question of ongoing concern by the Task Force. Many members believe that it is of great importance to find a neutral setting that has no vested interest in qualifying interpreters. Through meetings with representation from various department of state government, the Task Force believes that the Department of Labor would be the most appropriate location for this program. The Colorado Department of Labor and Employment has expressed support for this program and an interest in housing this program if a fiscal need and appropriate funding is approved by the General Assembly.

Please read the attached bill carefully and a member of the Task Force will be available to respond to questions during the public hearing scheduled August 12, 1992.

A BILL FOR AN ACT A BILL FOR AN ACT