

To: NCITLB Members and Supporting Staff

From: Members of the NC-CTA

Date: December 4, 2015

Re: Continuing the dialogue about critical actions needed regarding licensure legislation

On behalf of the NC Coalition - an organization comprised of regulated practitioners and consumers of interpreting services in the State of North Carolina we respectfully ask the NCITLB to urgently take up the following matters:

- Immediately revisit the removal of the educational requirement from the law and use the opportunity to make the educational requirement for full licensure consistent with RID requirements, including BA requirements and acceptance of the alternate pathway as an option.
- Immediately initiate efforts to add educational requirements back for provisionally licensed interpreters. The lack of educational requirements actually threatens the ongoing existence of licensure because specific educational requirement for practitioners is one of the criteria that the State uses to determine whether a profession needs to have licensure in the first place. Additionally, lack of educational requirements for the profession inhibit interpreter education programs across the State from establishing needed curriculum improvements and revisions through the North Carolina Community College System Office. I can explain more about that if the Board would like details, but essentially workforce requirements drive curriculum changes and curriculum improvements can only be made as the demands for licensure and qualification to work in the State create the need. We now understand more than ever that interpreters must be well-rounded and well-educated to do the work of meaning transfer between two languages. As Cokely has said, "What you misunderstand you WILL misinterpret." As such, the educational requirements are NOT optional and are critical to development of qualified practitioners. Removal of the educational requirements to foster increasing the pool of Deaf Interpreters was not an effective approach as RID requires a degree for CDIs as well.
- Revisit minimum requirements for provisional licensure and whether those individuals provisionally licensed should be able to function fully independently or should be under some form of supervision or mentorship. A task force should be established that includes consultation with Interpreter Education Programs to determine the feasibility of more formal gap, supervision, and mentorship requirements.
- Clarify the requirements for Deaf Interpreters and their Certification and do not try to make one-size-fits-all standards for CDIs, CLTs, ASL-English Interpreters,

and Signed English-Spoken English Transliterations. We understand so much more about our work than we did even 10 to 15 years ago when Pat Hauser and others worked so diligently to pass this vital legislation and we need the law to keep up with our field rather than have it encumber effective practice or restrict consumers in any way from filing reasonable action. The law needs to be strengthened, not diminished, to keep pace with best practices in the field.

- Revisit licensure for educational interpreters. Encourage and continue dialogue with the NC Department of Public Instruction to incorporate licensure within the law rather than through separate means. The law also should apply to post-secondary educational interpreters as well as those working in k-12 educational environments.
- Develop methods for consumers to submit their complaints directly in ASL, or the language they most readily understand. In the Deaf community, where everyone often knows one another, a Deaf person should not necessarily have to rely on the assistance of someone close to them in their community such as a DSDHH representative but rather should have direct access to the complaint process. Obtaining assistance from DSDHH to file a complaint should certainly remain an option, but the complaint process itself also should be 100% accessible to involve as few intermediaries as possible. If privacy and confidentiality are the issue, then keeping the number of people a Deaf person must tell their complaint to in the community to a minimum is paramount. For example, a CDI on the NCITLB could take complaints directly through videophone and render a written sight translation of the complaint.
- Make the NCITLB website fully accessible in both ASL and English and for people with vision loss. Do increased public outreach to consumers to make them aware of the NCITLB and how to process and file complaints, attend board meetings, and participate in the process of supporting the legislation and regulation of interpreter practitioners. Consider live streaming of the meetings of the NCITLB.
- Revisit the determination made by the Board that sight translation or interpretation of written documents is a "matter of literacy" and therefore not covered under the licensure law. Sight translation of documents is actually a form of legal interpreting and a requirement for the CDI performance test. Just as Spanish speakers often have access to Spanish versions of documents, written documents also must be available either through sight translation or video publication of ASL versions for people whose preferred mode of communication and/or native language is ASL. If someone undertakes to perform sight translation, often it will be for written documents of significant import such as Advance Directives, Medical Consent Forms, other Legal Documents or Exam questions such as those asked on the driving exam and other high stakes tests. The effective conveyance of written English to ASL or ASL to written English requires the same, if not increased, skill and qualification as interpreting from aural to signed

language. Sight translation is not work to leave to the novice or unqualified practitioner and is more a matter of effective communication in the language most readily understood by the consumer and must be offered by a qualified interpreter.

- Develop a manner of protecting consumer complaints (similar to that used by therapists) that still protects the rights of the complainant and does not prevent redaction of critical confidential personal information in order to comply with freedom of information.
- Develop a consistent manner of review and penalty for violations and transgressions under the law. The Board should develop a rubric and/or clearly defined list of offenses and consistent forms of penalty for each offense. Consumers should have access to the types of infractions and penalties that may result if an interpreter is found to have committed that infraction. Development of these guidelines will allow for consistent enforcement regardless of changes in the leadership on the Board.

The signatories of this letter do understand and appreciate that many of these issues, the NCITLB already has begun to explore. As the Board moves forward, it is vital that the NCITLB continue to refine the law to incorporate contemporary best practices in the field and evidence-based approaches to the work of interpreters and transliterators particularly with regard to issues such as:

- the use and role of CDIs and the RID educational requirements for them.
- the appropriate and effective use of consecutive and simultaneous interpretation and the use of translation and transliteration.
- the import and requirements for specialist Legal certification and the appropriate times to include and/ or require CDIs.
- the role of SSPs for people who are Deaf-Blind vis a vis the role and responsibilities of interpreters and what happens when someone is functioning in dual roles. The issue of dual roles also will come up regarding educational interpreters and tutoring.
- restriction of the role of "language facilitators" in the school systems.

When the Board drafts revisions to the legislation and requests the General Assembly to amend or revise the law, they should have a strategy that covers as many bases as possible. Most of the above will require changes to the existing legislation and carries the inherent risks associated with revisions of this level of gravitas. We request that the Board assiduously seek public comment and input on their plans in order to develop a proposal that has wide consumer and practitioner support and is well thought out from multiple perspectives. This level of vetting, while perhaps a laborious and slow process, must be an earnest goal of the Board if the law it to be powerful, democratic, and truly

effective at protecting consumer rights and safety.

The Program Evaluation Division of the General Assembly (PED) already is scrutinizing the very existence of this Board, and that fact too, should be made clear to the public and the Board should seek the power and weight of consumers and practitioners who will be impacted by loss of regulation. Stakeholders must be encouraged to express their concerns about the possibility that the PED will discontinue licensure. The public should have multiple means to express their opinion regarding licensure and should be made fully aware of the consequences removal of licensure would create for Deaf citizens, practitioners, hearing consumers, and all business and government entities that hire interpreters to provide effective communication and access under Federal Law. If the PED ultimately decides to recommend to the General Assembly that the requirement for interpreters be changed from "licensure" to "certification," as their current document leans toward recommending, people should be aware that in the state of NC that does NOT mean the same thing as RID certification. It simply means that interpreters must put their name on a State-held list and is essentially meaningless in terms of the protections it would offer. Any proposed changes to the law should be fully vetted in an open manner with the people who would be directly impacted by the changes and there should be widely advertised options for public comment and response.

Finally, because the Board already has to address the RID Moratorium on Testing in some fashion with the General Assembly some of these issues may be taken up at that time, or should be strategically placed on a prioritized time-line for action. There is clearly a lot of work to do and there are members of the public, consumers and regulated practitioners, who can be enlisted as allies in support of the strengthening of the law. We in the Coalition are proud to live in a State that has licensure and we pledge to do all we can to work with the Board to improve and strengthen the law and keep it current with best practices. Establishing licensure in the great state of NC took intense commitment and time on the part of those who drafted the initial legislation. The work of dedicated practitioners and consumers established the law in the first place, and their work should be honored by continually refining the law to ensure that it provides the protection of consumers that was intended in its initial development. We seek a responsive law that protects the safety of the public and consumers and upholds the deeply held values of autonomy and equal access to communication for Deaf Citizens in North Carolina. Please, let us continue to dialogue, as we know we all have the same desires at heart and we are sure we can continue to work together for the best interests of all involved. We are aware that these are audacious goals and won't be realized overnight. Nevertheless, these above requests ALL are crucial and the Board must work on with alacrity.

Thank you.

Respectfully submitted on behalf of the NC Coalition for Transparency and Accountability of the NCITLB by Martha Ingel, M.S.Ed., CI/CT, NCITLB License #2005255