

North Carolina Interpreter & Transliterators Licensing Board

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April 1, 2015

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Re: Your Questions Regarding the 2014 Amendments to the Interpreter and Transliterators Licensing Law; N.C. Session Law 2014-115, Section 42

Dear Ms. Ingel:

Thank you for taking the time to attend the quarterly meeting of the North Carolina Interpreter and Transliterators Licensing Board on February 20, 2015 to share with the Board your thoughts regarding the recent amendments to Chapter 90D of the North Carolina General Statutes.

I am writing to respond to the questions posed by you in your oral presentation to the Board and in the written version of your presentation, which you sent to the Board by email on the evening of February 20, 2015. Each of your questions and public records requests, and my responses to those questions and requests, follow below.

1. What was the official and formal rationale for removing the educational requirement from both the provisional and the full license?

First of all, the 2014 amendment to Chapter 90D did not remove the educational requirements for licensure. Instead, it removed the statutory provisions that *duplicated* the educational requirements imposed upon certified interpreters by The Registry of Interpreters for the Deaf, Inc. (RID). Furthermore, earning a two-year interpreting degree from a regionally accredited institution, as specified in G.S. § 90D-8(a)(4)e, is likely to remain the most common path to provisional licensure.

The short answer to your question is that the Board asked the General Assembly to repeal G.S. §§ 90D-7(b) and -8(c) (2014) for two reasons: (a) to alleviate a general shortage of licensed interpreters; and (b) to alleviate a severe shortage of Certified Deaf Interpreters (CDIs). Each of these reasons is explained further below.

A. To Alleviate The General Shortage Of Licensed Interpreters

Before August 11, 2014, the Interpreter and Transliterator Licensure Act required applicants for provisional and full licensure to hold “at least a two-year degree from a regionally accredited institution.” G.S. §§ 90D-7(b) and -8(c) (2014). Despite the good work being done by Central Piedmont Community College (CPCC) and the State’s other interpreter training programs, the State had a shortage of American Sign Language (ASL) interpreters. The Board asked the General Assembly to repeal G.S. §§ 90D-7(b) and -8(c) so the State could issue licenses to RID-certified interpreters who do not have two-year degrees, for the reasons explained further below.

As you know, the NCITLB does not test an interpreter’s knowledge of ASL or his or her practical skills; it relies upon RID to do so. As you also know, RID generally requires an applicant for certification to hold a four-year bachelor’s degree, not just a two-year associate’s degree. Nevertheless, RID recognizes that there is a shortage of certified interpreters in many parts of the nation and has, therefore, created an “Alternative Pathway” to certification for interpreters who do not hold a bachelor’s degree. As stated on RID’s website, “The Alternative Pathway consists of an Educational Equivalency Application which uses a point system that awards credit for college classes, interpreting experience, and professional development.” See the RID web page at: <http://www.rid.org/rid-certification-overview/alternative-pathway/>.

The NCITLB did not have the time, money, expertise, or statutory authority to create and implement an alternative pathway of its own. Consequently, G.S. §§ 90D-7(b) and -8(c) barred the NCITLB from issuing a license to any RID-certified interpreter who had obtained RID certification through the Alternative Pathway. Thus, for example, the Board had to inform an interpreter who wanted to relocate to the severely underserved northeastern corner of the State that she would not be able to obtain a license from the Board even though she held an RID “Specialist Certificate: Legal” (SC:L) and had been an interpreter for more than 20 years.

With the repeal of G.S. §§ 90D-7(b) and -8(c), NCITLB can now rely upon RID’s evaluation of an interpreter’s education, experience and professional development just as it has always relied upon RID’s evaluation of an interpreter’s interpreting knowledge and skills. Thus, any interpreter who has achieved RID certification can now obtain a full license from the NCITLB. Furthermore, all applicants for full licensure who obtained RID certification without recourse to the Alternative Pathway will have a four-year bachelor’s degree, which is greater than the two-year degree previously required by G.S. §§ 90D-7(b) and -8(c).

G.S. § 90D-8(a)(4)e still provides that an applicant may obtain a provisional license by demonstrating that he or she “[h]olds at least a two-year interpreting degree from a regionally accredited institution.” Eighty-eight of the 112 individuals who currently hold a provisional license obtained their provisional license under this provision. We believe that the interpreter education programs at the State’s community colleges will continue to be the principal source of applicants for provisional licensure under G.S. § 90D-8. Thus, the path to full licensure will begin with completion of a two-year community college degree, followed by provisional licensure while the licensee completes his or her education at a four year college, at which point the licensee will be ready to obtain RID certification and full licensure. Therefore, the repeal of

G.S. §§ 90D-7(b) and -8(c) (2014) will not lead to a substantial increase in the number of provisionally licensed interpreters without college degrees.

B. To Alleviate An Acute Shortage Of Certified Deaf Interpreters

The Board's records disclose that there are only four Certified Deaf Interpreters (CDI's) in the entire State. Of those four, one holds a full license and three hold provisional licenses. The Board believes that the repeal of G.S. 90D-8(c) will make it easier for members of the Deaf community to become provisionally licensed as Deaf interpreters and that more provisionally licensed Deaf interpreters will, over time, result in more Deaf individuals holding full licenses as CDI's.

2. What is the NCITLB's perception of their fiduciary duty to inform practitioners, consumers, educational programs, and major employers of interpreting services of changes of this scope?

The powers and duties of the Board are set out in the text of Chapter 90D. Broadly speaking, the Board has a duty "to ensure minimum standards of competency and to provide the public with safe and accurate manual or oral interpreting or transliterating services." G.S. § 90D-2. The licensure act does not impose upon the Board a fiduciary duty to inform practitioners, consumers, educational programs, and major employers of interpreting services of proposed changes to Chapter 90D.

3. We request that the Board provide us with complete documentation of all attempts and characterize the Board's efforts to inform licensees and stakeholders, especially those representing consumers in the Deaf and hard of hearing community, of the proposed changes.

This part of your request shall be treated as a public record request made pursuant to Chapter 132 of the North Carolina General Statutes. The enclosed document captioned, "NCITLB – HB 590 - Short Title: Amended Interpreter Law/Cued Speech - Talking Points - 2013 Legislative Session," was distributed at the March 15, 2013 meeting of the Board to guide the members when they spoke to anyone about the proposed amendments to the licensure act. The Board has no written records of whether and how this document may have been used by the members of the Board or with whom it may have been shared. It should be noted that all three of the Board's Deaf and Hard of Hearing members, Jan Withers, Ashley Benton, and Wayne Giese, voted in favor of repealing G.S. §§ 90D-7(b) and -8(c).

4. Please explain in detail the procedures used for vetting the decision to make this substantive change in the GS 90-D Interpreters and Translitterators Licensure Law.

The Board began to discuss the need to amend the licensure act at its February 26, 2010 meeting in response to comments made by Board member Jane Dolan, a licensed cued speech transliterator, and Board member Jan Withers, the Director of the State's Division of Services for the Deaf and the Hard of Hearing and a Deaf consumer of ASL interpreting services. At the

January 28, 2011 meeting of the Board, Board member Connie Jo Lewis, a state-licensed RID-certified interpreter and past member of the RID Board of Directors as RID's Region II Representative, reported that she had called the office of State Representative Martha Alexander, the primary sponsor of the original licensure act, to discuss the need to amend the act.

At the April 8, 2011 meeting of the Board, Jan Withers stated that the educational requirement in the law could be a barrier for Deaf individuals becoming licensed in N.C. and for interpreters with experience who move into the State. She made a motion to make the drafting of an amendment to the licensure act the top agenda item at the Board's August 2011 meeting and to appoint an Ad Hoc Committee to study the issue and make a recommendation to the board at the August meeting. The motion was seconded by Board member Keith Cagle, who was a Deaf consumer of ASL interpreting services and the chair of the Interpreter Education program at CPCC. Board members Jan Withers, Connie Jo Lewis, and Danette Steelman-Bridges (a coordinator/instructor in the interpreter training program at Western Piedmont Community College), were appointed to serve on the Ad Hoc Committee.

At the August 5, 2011 meeting of the Board, the Ad Hoc Education Committee reported that it had met with Jim Sewell and Pat Hauser, state-licensed RID-certified interpreters who had been instrumental in the enactment of the licensure act and had served as the first and second NCITLB chairpersons. The Committee reported that it had decided to recommend the repeal of G.S. § 90D-7(b) but that it was not yet ready to make any recommendation regarding G.S. § 90D-8(c).

At the November 4, 2011 meeting of the Board, the Education Committee reported that it was continuing to discuss the ramifications of repealing G.S. § 90D-8(c) and had consulted with Tzena Keyes, a state-licensed RID-certified interpreter who was a past member the Board and past NCRID 2nd Vice-President. Committee member Keith Cagle stated that he knew several interpreters who could not be licensed because they did not have an associate's degree.

At the February 3, 2012 meeting of the Board, Jan Withers reported that the Education Committee needed more time to complete its work and asked that the Board schedule a special teleconference meeting in March to review and approve the committee's recommendations.

At the March 5, 2012 special teleconference meeting of the Board, Jan Withers, the Education Committee chairperson, reported that the committee recommended that G.S. §§ 90D-7(b) and -8(c) (2014) both be repealed. Ms. Withers reported that the committee had concluded that G.S. §§ 90D-7(b) and -8(c) could both be repealed because consumers of ASL interpreting services are adequately protected by RID's educational requirements. Ashley Benton, a Board member who is a Deaf-Blind consumer of ASL interpreting services, moved that the Board ask Representative Alexander to introduce a bill to repeal G.S. §§ 90D-7(b) and -8(c). The motion was seconded and approved unanimously. Representative Alexander was subsequently defeated in a reelection campaign before she was able to obtain passage of the Board's amendment.

Connie Jo Lewis attended the February 15, 2013 quarterly meeting of the NC Council for the Deaf and Hard of Hearing in order to describe the NCITLB's proposed changes to the licensure

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act and to ask the members of the Council to support those changes if and when they were introduced in the General Assembly.

At the February 21, 2014 meeting of the Board, Danette Steelman-Bridges reported that she had met with State Representative Hugh Blackwell and had given him letters from NCRID, Foothills NCRID, Jim Sewell, and Pat Hauser supporting the repeal of G.S. §§ 90D-7(b) and -8(c). She reported that Representative Blackwell was very receptive to sponsoring a bill repealing G.S. §§ 90D-7(b) and -8(c).

When the NCITLB conducted a licensure forum at the 2014 NCRID Conference in Blowing Rock, N.C., the Board stated, in response to an interpreter's question, that one of the Board's two biggest goals was to get the licensure act amended.

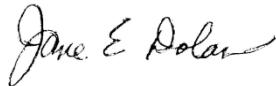
G.S. §§ 90D-7(b) and -8(c) were repealed on August 11, 2014 when N.C. Session Law 2014-115 was signed by Governor McCrory.

A copy of your February 20, 2015 written comments and questions to the Board and this response to your questions will be posted on the Board's webpage.

CONCLUSION

Thank you again for taking the time to express your concerns. The Board welcomes input from all stakeholders and opportunities to engage in constructive dialogue on behalf of Deaf, Hard of Hearing and Deaf-Blind North Carolinians who rely on interpreting and transliterating services.

Sincerely,



Jane Dolan, NCITLB Chairperson

Encl. "Talking Points"

cc: Elita Hill
Craig Blevins
Donnie Dove
Pat Hauser
Jim Sewell
North Carolina Interpreter Training Programs
North Carolina Registry of Interpreters for the Deaf
North Carolina Association of the Deaf
North Carolina Deaf-Blind Associates
Hearing Loss Association of America – North Carolina
North Carolina Interpreters and Tranliterators Licensing Board