

Meeting Notes
Delaware Deaf Senior Citizens (DDSC)
Interpreting Bill Discussion
South Coastal Library, Bethany Beach, DE
January 23, 2020
9 am - 12 noon

Attendees: 27

Interpreters: Brenda Kelly-Frey and Caroline Greene

Vice President (VP) Robert Balzer started the meeting since President Mark Alford was absent. Robert reminded us that this meeting is not one of our regular meeting, but a special meeting to focus on the proposed interpreting bill. Robert asked for our approval to renew DDSC's domain name of "delawareddsc.org" for \$10 for this year which was passed.

VP Balzer then introduced Allen Talbert. Allen explained that the purpose of today's meeting is to focus on the language and the ideas that need to be submitted as a bill. Allen introduced key players which included:

- Mindi Failing, Coordinator, Delaware Statewide Programs for Deaf and Hard of Hearing
- Feta Fernsler, Job Coach and Delaware Relay Manager, Division of Vocational Rehabilitation and President, Delaware Association of the Deaf
- Kyle Hodges, Policy Director, Delaware State Council for Persons with Disabilities
- Peg Stewart, Owner and President, MDS Interpreting
- Pam Whitney, interpreter, mediator, consultant, and the contact person for State Wide Interpreter Network

Talbert then turned the floor over to Mindi Failing to facilitate the discussion about the proposed interpreter bill.

Mindi stated that the work to introduce the interpreter bill started a few years ago, and that we needed to complete the work. The following people, Kyle Hodges, Peg Stewart, Pam Whitney, and Feta Fernsler drafted up a proposed bill. The proposed bill is attached for our reference. Eventually a small group of consumers who consisted of Gordon Bergan, Billy Bowman, Norma Buemi, Joey DeLusant, Mindi Failing, Jay Innes, Allen Talbert, and Barbara White, met to review the proposed bill to share their feedback.

Mindi asked Peg Stewart to share the history with us, and Peg shared the following:

- Peg started drafting this interpreter bill. She is from Delaware and was self-employed as an interpreter for 31 years. Peg is now retired and serves on several committees. This work started with the Council for Deaf/Hard of Hearing which was folded in 2014. It has not been easy to continue this work due to lack of participants. Kyle Hodges then agreed to do this work in 2015.
- David Mangler recommend that we do not focus on licensure regulations, but on registry of interpreters due to lack of participants. The registry will list names of interpreters.
- Kyle mentioned that we had Oliver Clearly, deputy Attorney General, provide us with appropriate language for the bill.
- We studied what other states have done, and used what worked well as a guide for our work.

Mindi then opened up the floor for a brief Q & A session. Discussion items included:

- the difference between Licensure and Registry. Licensure requires setting up a board which will require much more work to set one up. Kyle said we could switch to licensure from registry later on, and agreed that we should have an advisory board which means the deaf community and interpreters can be part of the representation.
- every interpreter who are on the registry will get a card to show that they are on the registry and/or certified. The registry will also show a list of provisional interpreters who are working towards their 5-year limit to attain certification.
- discussion about whether an Interpreter Training Program needs to be established before we submit the Interpreter Bill. It was mutually agreed that we proceed to submit the Interpreter Bill as we can then use it as a rationale to establish interpreting training programs.
- clarified that VRI is not part of the Interpreter Bill.
- will this bill conflict with ADA? ADA requires that effective communication be qualified and given. We need to provide certification to ‘qualify’ the interpreters. This bill will have minimum standards; whereas we don’t have any right now. The updated ADA law in 2008 has standards for VRI. If the consumer is not satisfied, then s/he needs to challenge VRI based on updated ADA laws. It was mentioned that we can request live interpreters by discussing with the medical professions about the preference for live interpreters.

Mindi asked Kyle Hodges to lead the discussion about the feedback from the committee in order to receive approval from the meeting participants. The comments and recommendations from the Delaware Deaf Senior Citizens (DDSC) Work Group on the Interpreter Bill include:

1. The Bill proposes a “Registry” whereas many of the provisions appear to be more consistent with licensure, including “entry level” requirements, penalties, etc. A question needs be asked regarding the use of this terminology instead of licensure. **After the DDSC meeting discussion, it was agreed to leave as is.**

2. In Section 3702 Definitions: “Certified Interpreter” We recommend that the language be changed to “An individual who satisfies the certification requirements of a Nationally Recognized Interpreter Certification Board.” (In regulations to be added, existing organizations such as RID, NAD, etc. should be listed. CDI does not need to be listed as a specific category, they are certified by the same professional body as other interpreters.) The rest of this provision should be removed — there is no need or basis for listing those who are NOT certified in a Bill that determines who is certified Included recommendation in updated draft. **After the DDSC meeting discussion, it was agreed to Include this recommendation.**

3. In Section 3702 Definitions: “Qualified sign language interpreter” We recommend removing this definition, it is neither necessary nor accurate. The Act as written does not have any provisions for assuring and determining if an otherwise certified interpreter is in fact qualified and readily able to carry out the professional functions expected of her/him. We address this further later in our comments, an addition to the Bill titled, “Sign Language Interpreting Licensure Board.” **After the DDSC meeting discussion, it was agreed to delete the definition of “qualified interpreter” in an updated draft and replace “qualified” with “certified” throughout the bill (pg. 2 in definition of registrant; 3704 (a); 3704(b)2.ii.; 2 places in synopsis.**

4. All sections of the Bill related to educational interpreters should be removed, Those interpreters are already addressed in the Delaware Education code under education (Certified via EIPA). **This was done when using the suggestion of Certified Interpreter above.**

5. Replace Section 3702 Definitions: “Interpreting” with language used by the National Certification issuers (currently RID/NAD) “Interpreting is the act of conveying meaning between

people who use signed and/or spoken languages.” (Approved by RID, 2019) **After much discussion with DDSC meeting participants, it was agreed to leave as is.**

6. Section 3703, 4, (b.) Exceptions — 3. We recommend elimination or changes to this provision as it may negatively impact a deaf consumers ability to receive services they are entitled to under the ADA. We see no basis for limiting certified interpreters from surrounding states to work in Delaware when such services are requested. The 7 total day limit should be eliminated completely or increased to 30. It is a fairly common occurrence for deaf consumers in rural areas of the state to use interpreters from across state lines. The important thing is to be sure they are certified and qualified, that they meet the requirements imposed on licensed interpreters in Delaware. **After the DDSC meeting discussion, it was agreed to compromise. The new draft now has 14 days.**

7. Section 3703, 4, (b.) Exceptions — 6. We recommend removing this provision, it is already covered by Section 3703, 4, (b.) Exceptions — 4. **Leave as is. No downside.**

8. Section 3705 State Registration. We recommend placing fees in Regulations. **Leave as is.** Consistent with other legislation that mote fees.

9. Section 3703, 3. - Add "public and electronically accessible" **Added “accessible to the public”.**

10. Sign Language Interpreting Licensure Board - There needs to be a Consumer Oriented Board in place that will, among other things, be advisory to the State agency responsible for overseeing implementation, development of regulations, quality assurance, etc. We recommend the Board be comprised of individuals selected by Delaware Association of the Deaf (DAD), Delaware Deaf Senior Citizens (DDSC), Black Deaf Association (BDA), Wilmington DC (Northern Area of the State), Deaf Latino Association, Delaware School for the Deaf and State Wide Programs (DSDSWP), Vocational Rehabilitation (VR), Interpreter Agency Head, Free Lance Interpreter, Interpreter Trainer. The Board would meet at least once a year, more often in the early stages, while a Quality Assurance Process is developed. We must keep in mind that a Certificate from a professional organization like RID does not in and of itself ensure quality. There are certified and licensed teachers who are evaluated out of their profession and there definitely may be some interpreters who are insufficiently capable of performing at an acceptable level. An individual’s life and freedom may well depend on this and without Quality Assurance (QA) systems in place the risk is REAL. **After the DDSC meeting discussion, it was agreed to Add language which addresses that the regulations developed will include an Advisory Board.**

Next steps:

- Kyle Hodges will incorporate changes to the bill based on committee's feedback and DDSC meeting participants' approval.
- approach our state legislators to ask for their support in passing this bill (need to get more sponsors for this bill); may not be passed this year as it may take time to educate legislators about interpreters.
- DDSC develop a letter of support for this bill (Kyle already has the talking points and will send to the committee)
- many of us can share our personal stories about interpreters we worked with.

NOTE: After the Jan. 23rd DDSC meeting, Kyle Hodges eventually incorporated changes to the bill based on the committee's feedback and DDSC meeting participants' approval. The changes he incorporated is attached.

