

Document: Proposed Rule, **Register Page Number:** 25 IR 871

Source: December 1, 2001, Indiana Register, Volume 25, Number 3

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**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

Proposed Rule
LSA Document #01-334

DIGEST

Adds 460 IAC 2-5 to create and specify standards of conduct and performance specific to educational settings for interpreters to persons who are deaf or hard of hearing in the state of Indiana. It provides requirements to be met to become certified by the state of Indiana as an interpreter to persons who are deaf or hard of hearing in educational settings. Effective 30 days after filing with the secretary of state.

460 IAC 2-5

SECTION 1. 460 IAC 2-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Interpreter Standards for the Deaf and Hard of Hearing in an Educational Setting

460 IAC 2-5-1 Scope

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 1. (a) This rule establishes state certification standards for behavior, competency, and proficiency in interpretation, transliteration, and oral transliteration in a public or private primary or secondary school setting.

(b) This rule applies to a person who:

(1) applies for state certification;

(2) works in a public or private school in grades preschool through secondary school in Indiana with a deaf or hard of hearing student; and

(3) is hired as an interpreter or transliterator.

This includes any interpreter/transliterator who uses American Sign Language, or who uses any code or method of communication used by deaf or hard of hearing students including, but not limited to, cued speech, signed English, signing exact English, seeing essential English, conceptually accurate signed English (CASE) or oral methods of communication.

(c) This rule does not apply to certified teachers with endorsement to teach deaf children unless the person is hired by a public or private school to work as an interpreter/transliterator. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-1*)

460 IAC 2-5-2 Definitions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 2. (a) The definitions and acronyms in this section apply throughout this rule.

(b) "ASL" means American Sign Language.

(c) "BIS" means board of interpreter standards.

- (d) “CEU” means continuing education unit.
- (e) “Code of ethics” means the rules of professional behavior for interpreters and transliterators approved by the board of interpreter standards.
- (f) “Cued speech” means a system for visual representation of spoken language using eight (8) handshapes and four (4) hand locations near the face to supplement speech.
- (g) “DDARS” means the division of disability, aging, and rehabilitative services.
- (h) “Deaf or hard of hearing person” means the persons for and between whom the interpreter is facilitating communication and includes both hearing and deaf consumers.
- (i) “DHHS” means deaf and hard of hearing services.
- (j) “Educational interpreter” means a person who is able to perform conventional interpreting or transliterating, together with required skills for working in the educational setting.
- (k) “EIPA” means educational interpreter performance assessment.
- (l) “Hard of hearing” means a person who has mild to moderate hearing loss.
- (m) “Hearing impaired” means an educational label that is used to refer to all deaf and hard of hearing students.
- (n) “Individualized education program” or “IEP” means a document developed by a case conference committee that identifies educational goals and objectives needed to appropriately address the educational needs of a student with a disability.
- (o) “Interpreter” means interpreters, transliterators, and oral transliterators and includes a person who works with a deaf or hard of hearing child or otherwise hearing impaired student to facilitate communication by rendering the complete message for the student and others because they do not share the same language and culture.
- (p) “Interpreting” means the process of conveying a message from one (1) language into another.
- (q) “Manually coded English” means a signed message that attempts to convey the meaning of the English speaker while maintaining the English form and word order.
- (r) “NAD” means National Association of the Deaf.
- (s) “New interpreter” means an interpreter who has no proof of work as an interpreter in a school setting.
- (t) “Oral transliteration” means the process of understanding the speech and/or mouth movements of deaf, hard of hearing, or otherwise hearing impaired persons and repeating the message in spoken English and includes the process of paraphrasing/ transliterating a message spoken in English to a more visible form with natural lip movements so a deaf or hard of hearing person can read the lips of the oral transliterator.
- (u) “RID” means Registry of Interpreters for the Deaf.
- (v) “SEE II” means Signing Exact English II.
- (w) “Setting” means the context within which an interpreting assignment takes place.

(x) "Signed English" means a system devised as a semantic representation of English where ASL signs are used in English word order with fourteen (14) sign makers being added to represent a portion of the inflectional system of English.

(y) "State certification" means certified by DHHS.

(z) "TECUnit" means Testing, Evaluation, and Certification Unit, Inc., an organization that certifies cued speech transliterators.

(aa) "Transliteration" refers to the process of conveying information from a spoken English message to an invented code that is signed or vice versa. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-2)*

460 IAC 2-5-3 Registration requirements

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 3. In order to receive state certification as an interpreter, working interpreters/transliterators in Indiana must be registered with DHHS in the manner prescribed by DHHS. DHHS is the agency responsible for standards related to sign language interpreters in Indiana and has been designated as the agency to make the determination that an interpreter can be certified to interpret in an educational setting. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-3)*

460 IAC 2-5-4 Certificate

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 4. After being certified by the state, an interpreter shall be issued a certificate signed by the DHHS deputy director and DDARS director evidencing such certification. An interpreter shall also be issued an identification card signed by the DHHS deputy director and DDARS director, a copy of which the interpreter shall present when requested as proof of certification. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-4)*

460 IAC 2-5-5 Certification requirements for new interpreters and transliterators

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 5. (a) In addition to any other requirements that a school district or school corporation establishes, to receive certification as an interpreter, a person who interprets/ transliterates in a public or private school in Indiana working with a deaf or hard of hearing student is required to have the appropriate national certification or performance assessment score listed in subsection (b). This section applies to all new interpreters and transliterators after July 1, 2010.

(b) The five (5) types of certificates and corresponding requirements include the following:

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| (1) American Sign Language | Hold the RID certificate of interpretation (CI) or the NAD Level IV or V for educational situations requiring an ASL/English interpreter. |
| (2) Manually coded English (MCE) (unspecified MCE) | Hold the RID certificate of transliteration (CT) for educational situations requiring transliteration. |
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| (3) Oral transliteration | Hold the RID oral transliteration certificate (OTC) for educational situations requiring an oral transliterator. This certificate requires a special written and performance exam. |
| (4) Cued speech | Hold certification from TECUnit and pass the RID written generalist test for educational situations requiring a cued speech transliterator. |
| (5) Signing exact English (SEE II) | Pass the educational interpreter performance assessment (EIPA) instrument specific to SEE II at level 3.5 and pass the RID written generalist test. These are the requirements for educational situations needing a SEE II transliterator. |

(c) Interpreters or transliterators holding applicable national certifications must maintain these certifications in good standing in order to maintain their certification by the state, including fulfilling continuing education requirements.

(d) An interpreter or transliterator certified by the state shall renew the certification every two (2) years in the manner prescribed by DHHS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-5*)

460 IAC 2-5-6 Certificate requirements for practicing interpreters and transliterators

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 6. (a) To receive state certification as an interpreter or transliterator, an individual who has documentation proving paid work as an educational interpreter prior to July 1, 2010, shall meet the following criteria:

- (1) Beginning July 1, 2002, the interpreter or transliterator must earn annually one (1) CEU of skill development in the type of interpreting or transliterating that corresponds to the certificate held by the interpreter.
- (2) Beginning July 1, 2002, the interpreter or transliterator must earn annually one (1) CEU from one (1) of the following seven (7) content areas:
 - (A) Deaf culture and history.
 - (B) Language development and acquisition in children.
 - (C) Child development.
 - (D) Foundations in interpreting theory and practice.
 - (E) Code of ethics for educational interpreters.
 - (F) Principles and practices of special education.
 - (G) Audiological issues for students and adults.

(b) An interpreter or transliterator certified by the state shall renew such certification every two (2) years in the manner prescribed by DHHS.

(c) After July 1, 2010, a newly hired interpreter or transliterator cannot use this section in later years to qualify. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-6*)

460 IAC 2-5-7 Limited state certification requirements for graduates of interpreter training programs

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 7. (a) To receive limited state certification as an interpreter or transliterator, an individual who has a degree in sign language interpreting from an accredited institution after July 1, 2010, may meet each of the following criteria to hold a limited certificate:

(1) When granted the limited certificate, the interpreter/transliterator must earn annually one (1) CEU of skill development in the type of interpreting/transliterating that corresponds to the limited certificate held by the interpreter/transliterator.

(2) When granted the limited certificate, the interpreter/transliterator must annually earn one (1) CEU from one (1) of the following seven (7) content areas:

(A) Deaf culture and history.

(B) Language development and acquisition in children.

(C) Child development.

(D) Foundations in interpreting theory and practice.

(E) Code of ethics for educational interpreters.

(F) Principles and practices of special education.

(G) Audiological issues for students and adults.

(3) The interpreter or transliterator must apply for and pass the RID written generalist test for the limited certificate.

(b) The interpreter or transliterator can renew the limited certificate each year for up to five (5) years in the manner prescribed by DHHS.

(c) A person may use this section for only the first five (5) years immediately following graduation from an accredited sign language interpreter preparation program. There shall be no renewals or extensions of this section. (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-7)

460 IAC 2-5-8 Interpreter code of ethics

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 8. (a) To maintain state certification as an interpreter or transliterator, an individual must follow the ethical standards taken from the RID code of ethics. Interpreters and transliterators shall:

(1) keep all assignment-related information strictly confidential;

(2) render the message faithfully, always conveying the content and spirit of the speaker, using language most readily understood by the person whom they serve;

(3) not counsel, advise, or interject personal opinions;

(4) accept assignments using discretion with regard to skill, setting, and the consumers involved;

(5) request compensation for services in a professional and judicious manner;

(6) function in a manner appropriate to the situation;

(7) strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field; and

(8) strive to maintain high professional standards in compliance with the code of ethics.

(b) Questions by consumers, interpreters, and transliterators relating to interpreting these ethical standards in an educational setting can be answered by contacting DHHS. (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-8)

460 IAC 2-5-9 Grievances

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5
Affected: IC 12-12-7

Sec. 9. The grievance committee created under 460 IAC 2-3-13 shall have jurisdiction over grievances arising out of this rule, and any grievances shall be referred to that committee. All grievance procedures, actions,

enforcement, discipline, and appeals shall be handled according to the provisions of 460 IAC 2-3-15 through 460 IAC 2-3-20. (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-5-9)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 9, 2002 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule concerning standards of conduct and performance specific to educational settings for interpreters to persons who are deaf or hard of hearing in the state of Indiana. An interpreter will be present at the hearing. If another accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least forty-eight (48) hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Karen Davis
General Counsel
Division of Disability, Aging, and Rehabilitative Services