

Interpreter Work group Minutes – Sept. 15, 2009

4 sites participated in the DDN meeting including: Sioux Falls, Tulare Middle School, Pierre and Rapid City. Those in attendance include:

Grady Kickul, Janet Ball, Ann Larson, Julie Paluch in Pierre.

Greta Howe in Rapid City

Diane Svacina, Tulare

Bobbie Beth Scoggins, Tom Kober, Mark Koterwski, Mark Johnson, Lisa Fowler, Mitch Richter, Beth Driesen, Marlee Dyce, Christa Gunderson in Sioux Falls

Renee Standish, Alecia Osburn, Interpreters

Rick Norris Interpreter

Linda Noonan, secretary

The following were not present:

Kasey Entwisle

Todd Christensen

Tanya Miller – has asked to be removed from the workgroup

Lance Sigdestad

Introductions were done by Grady who asked Tom Kober (Association of the Deaf new President) to email him the persons he wants added and who to remove from the workgroup as participants from SDAD. Tom will do that.

A message was read from Todd Christensen who was unable to attend stating his primary concern was the inadequate number of interpreters in the school districts and being able to hire interpreters.

A review of the previous minutes was completed which outlined provisional certification, Complaint process, Extension process, Annual registration, RID membership, EIPA, Qualification of Educational interpreters, and Provisional certificate for CODA's. Minutes were approved

Bobbie Beth asked if she could seek clarification prior to the start of the meeting. She then asked for clarification on what was Mitch's role is in the process?

Grady explained that we have dealt with that in the previous meetings expressing that we asked each interpreting agency to have a representative. Interpreter Services is represented by Mitch.

Bobbie Beth expressed that there should be no lobbyist involved. In drafting legislation, there should be no conflict of interest.

Grady – Mitch works for this agency. There is no lobbying planned as a workgroup. There was a consensus.

Mitch then clarified that he did work for Kasey 2 years ago introducing legislation and has expertise in writing rules and going through the legislative process in Pierre.

Bobbi Beth wants a neutral person. Discussion evolved regarding this issue. Mitch will continue as requested.

Mark J. indicated that Mitch was present in the other 2 meetings and showed no favoritism and contributed to the group and it is not an issue at this time.

Grady then outlined the legislative process and that hopefully the Department would draft and propose new legislation. If it is brought to the legislature, it is the Department hope to draft a bill by the end of the month. The Division hopes to get a bill in this session and have the support of everyone. We want your support. If CSD or Interpreter Services oppose a bill that we have, it will not fare well during session so we need to propose a favorable bill if we want to get results. We have had a lot of good input and had reached a consensus on a number of areas including:

1. Complaint Process – Bring as an action issue: Section 1-36A-12. This law allows us to promulgate rules for program delivery. In the law we want to add the following to the current section – “To establish standards of practice for professional conduct”. If that is passed, the department will have the authority to amend the rules and add a code of ethics and discipline that would mirror the RID.

Tom stated that he is aware of RID complaint process but feels that if someone needs and wants to file a complaint with the state, there should be a way.

Beth reiterated that we need to get that authority first as there is currently no authority. Lisa agreed that we have to ensure that the state has the authority.

Bobbie Beth reiterated that there are a number of states that refer back to a neutral independent body that oversees certification. Some states have licensing, professional board, state commissions, or Labor.

Grady clarified that this would need to be independent of the department and that it would have an impact on your fees, but it is an option. Right now it is in the Department and the Department does not recommend change.

Grady stressed that rules are in place for a denial of certification but there is no authority to change those that need to be changed and that is why we need to move forward with legislative change now in order to get authority to make changes.

Bobbie Beth then indicated that it is CSD’s position that SD needs to have legal authority that is fair to all interpreters and asked for an off site discussion where we can have an interest group that handles their own professional concerns. She indicated that she needed time to discuss these issues.

Lisa asked when this process was set up at the beginning, who had the authority and where did it go?

Grady clarified that the Department is the authorized agency but that during the law changes this authority was overlooked and we have since been going by the old rules.

Mitch re-stated and stressed that we need to move forward regarding rules and statutes. We need statutes in place in order to establish and change rules. This request needs to be submitted in a timely manner.

Bobbie Beth stressed that she was feeling uncomfortable in giving a blanket approval for all the proposed changes. The administrative rules are fine but state statutory language needs to be reviewed. It is not defined enough; we need further review of statute.

Grady stressed that we are running out of time and that we need to move forward with the ideas that have been presented...Grady then presented on the law changes that we would propose for the Extension Process – To grant an extension we need to amend Section 1-36A-12 – To establish extension or exception to the 5 year CEU time frame if there was good cause. We need to have the authority to allow extensions and will discuss the extensions at a later date during rules process.

Marlee is not in favor of an extension.

Janet clarified that the national RID has an extension and further explained their process. If it is SD intent to mirror the national level we could also mirror the extension process as outlined by the national organization. But we need legislation to get that authority. Having legal authority allows us to debate and consider rule changes

Marlee – Opposed strongly.

Janet further outlined the discussion that she met with the legal department in DHS and that we have learned there are other certification bodies that allow for extension due to extenuating circumstances.

Grady clarified some of those extenuating situations such as grave illness or military.

Marlee then agreed to move forward to obtain the authority and discuss later.

Grady moved onto one more piece of legislation that we are looking at, CEU requirements of SD interpreters. The CEU requirements are greater than the RID and it was brought up as a fairness issue. Amend 1-36A-12 to change “125 Continuing Education Units every 5 years to 80 contact hours every 4 years” to reflect the national level.

Beth asked is we are amending the amount of hours or time frame?

Grady clarified that we are amending both hours and time frame to mirror RID.

Lisa then reminded the group about the conflict with language regarding contact hours and CEU's and that law and administrative rule language conflicts.

Janet explained that Lisa is right and that the law reads 125 CEU and that the rules clarify it to indicate one contact hour equals one continuing education unit. We need to change law language to correspond to rule language.

Marlee – Will it say contact hours or continuing education? Marlee is concerned that the word contact hours can be abused and used an example of hanging out with the deaf as a contact hour, which is very different from continuing education language which clarifies education.

Janet further explained that the education requirements are defined in rule which does not allow for casual conversation with deaf individuals. It defines the education requirement that's allowed. We can differentiate in administrative rule.

Marlee stressed that it is important to understand that the intent is continuing education as opposed to contact hours. They are different than CEU's.

Lisa – We are not overanalyzing and we want to make sure that the language is correct

Mark asked if Mentor hours are counted.

Diane stated that the folks she represents want to change CEU's requirements to match RID and the need to get the language right. Have state match the national. Have "contact" deleted.

Grady – Good discussion – are we willing to bring this as an action item forward: 80 Continuing Education Contact Hours every 4 years.

Group Agreed.

Grady announced that those were the areas DRS would be looking at as action issues and possible legislation that would be brought forward by the state.

Beth asked about annual registration and would we be bringing that forward so that everyone would be registering on the same date?

Grady indicated that we did discuss this last time that we get one set date for everyone but that it would not require a law change. Date is June 30 for RID. Should we set up July 30 or August 30 and can we all agree for one date for everyone?

Discussion: June 30 is the deadline to pay dues on the national level. Others felt that in July and August, some interpreters do not work such as educational interpreters. Jan.1 was introduced and that it is exactly 6 months from RID and you would know that every 6 months you have a fee. More discussion followed and it was agreed upon a date of July 31 – consensus of group. We can have further discussion on this at a later time.

Qualifications of Educational Interpreters: we discussed the shortage of interpreters and that this shortage affects the educational interpreters. It was agreed that there are issues surrounding this but there is no immediate action right now.

Bobbie Beth indicated that we can't put aside the education. It is the state law that they have to follow the standardization and guidelines. Our deaf children are suffering. A deaf child cannot speak themselves and parents do not know what is going on. They are not getting the best education. Look at writing a code of conduct. I see deaf being friends with their interpreter and no life skills. Need a code of conduct. Educational interpreters must be moved ahead. Kids are going into the mainstream classroom and need interpreters.

Grady indicated that we will look into it but that it will take more discussion time. Grady further indicated the time frame that we are looking for this legislative session and that we need to move forward with these action items in order to get them submitted in a timely matter. Grady further indicated that we need to have time to further discuss educational needs and that we can do it in the next several months.

Bobbie Beth was not comfortable with moving forward so quickly.

Grady then clarified that we want to introduce a bill to the legislature that will include the items we have discussed.

Bobbie Beth feels we need further discussion and that she needs time to let Ben know and see the drafted language. We need to discuss some other issues and there is lot to be done yet. Asked about doing this next year and clarified that we need to do it right? She further clarified that this is an ongoing process, small steps. There are lots of loopholes. Rules and laws are very weak. We need to make sure this is solid legislation and the 4 points are not acceptable.

A lot of discussion went back and forth...

Grady decided that we were not making any progress and that we need to close. He clarified that we need support from the group and that we need to determine if we are going to continue moving this as possible legislation. This is only the beginning.

Next meeting will be October 20 at 3:30, same location.