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HB 1304

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1304

House Human Services Committee

Conference Committee

Hearing Date January 22, 2001

Tape Number	Side A	Side B	Meter #
Tape 2		X	1800 to end
Tape 3	X		0 to 5418
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Price, Vice Chair Devlin, Rep. Galvin, Rep. Doseh, Rep. Klein, Rep. Pollert,

Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier,
Rep. Sandvig.

Chairman Price: We will open the hearing on HB 1304.

Rep. Maragos: Introduced HB 1304. This is not necessarily a new bill, it has been introduced a couple of times in different fashions. I'm here to introduce on behalf of the North Dakota Association for the Deaf. They will be providing the pertinent testimony as to the merits to the bill.

David Zimmerman: Teacher at the North Dakota School for the Deaf. Services for people with disabilities have improved since the inception of the ADA law in 1990; however, access to quality interpreter services for those of us who are deaf remains a serious concern. (See written testimony.)

Rep. Nemeier: Hearing impaired children have been mainstreamed into public schools. Are there enough interpreters there to help these children keep up with their class work?

David Zimmerman: They are required to provide an interpreter for that student.

Rep. Sandyig: Do other states require their interpreters to be licensed?

David Zimmerman: Minnesota has, but I'm not sure about the exact number for other states.

Chairman Price: When a hearing impaired person asks for an interpreter, how do you determine who fits the best for that hearing impaired person?

David Zimmerman: To answer from my own experience, it is the interpreter services responsibility to make sure the interpreter is qualified. You have to be able to mesh the student with the interpreter. We owe people of North Dakota to have quality interpreters.

Chairman Price: In looking at the shortage of interpreters, and I know you know my daughter Melissa, she interpreted for one full year but under this bill she would not be a licensed interpreter. Are we going to be moving into even more of a problem finding enough interpreters for the students in the public schools?

David Zimmerman: I strongly believe that these people have time to obtain the necessary training before they are fully certified.

Chairman Price: I am fearful that they may end up with no substitutes if it ends up to be a lot of continuing education.

David Zimmerman: We have the same problem at the deaf school. I can understand what you are saying, but at the same time you have to do what is best for the student.

John Neiss: Senior of North Dakota for the Deaf. We really would like to have equal communication of all forms. Without quality interpreters involved, we would be lost, misled,

and feel embarrassed if we didn't have equal communication like hearing people do. (See written testimony.)

Cindy Kupfer: Representing Dixie Duncan, President of the North Dakota Registry of Interpreters for the Deaf. If HB 1304 is sent to study committee, NDRID is interested in being involved in the process. Being a professional organization for sign language interpreters, NDRID is in the position to provide the people and expertise to aid this process. (See written testimony.)

Rep. Porter: How many members are in the N.D. Registry of Interpreters?

Cindy Kupfer: Right now we have about 20 members.

Rep. Porter: Of those 20, if this bill went in as it is presented in front of us how many would fit the certification and licensing levels that are in here?

Cindy Kupfer: It would probably affect one-fourth of it, because there are very few certified interpreters in North Dakota.

Chairman Price: So you are saying that only one fourth would be qualified at this time?

Cindy Kupfer: Actually, the bill would affect about 70% of people because there are very few certified interpreters in North Dakota so the bill would have a great influence on it yet. We would have to be certified.

Rep. Cleary: Where would you go to become certified? Could you stay in the state?

Cindy Kupfer: I am involved in the EICP program in Colorado. There are seven of us in North Dakota that are involved in that. They just are starting it again. The funds are out there and the means are out there for education. You would want to go to workshops to keep up with your skills.

Rep. Niemeier: School districts often hire one Special Ed person. How would the interpreter work into that situation?

Cindy Kupfer: At this point I'm not qualified to answer that because I'm not in a school setting.

Rep. Niemeier: Do you expect that a certified interpreter is going to require a hire salary?

Cindy Kupfer: I guess if I was looking at myself, I'm not certified right now, and I know the level of money that I request but yes, if I was certified I would request more. Because I have taken that time to educate myself and become skilled.

Rick Pelishek: Executive Director of the North Dakota Disabilities Advocacy Consortium. I am testifying today in favor of HB 1304. As a Consortium we see a need for interpreters for the deaf and hard of hearing to be licensed. (See written testimony.)

Rep. Porter: One of the concerns that comes up is dealing with small number of people to do a board and licensing function is that eventually you end up with business competitors and you end up with small numbers of people that are being regulated by their competitors. That problem already exists in the state with a small number of practitioners that we have. Do you see that by having a group of people self-regulate themselves that it going to create hard feelings and problems within the world of interpreting?

Rick Pelishek: That is a complex question to answer. It could, but I don't know the dynamics of what exists there. I guess looking at ADA and the need to provide quality services, that is where we are coming from as a Consortium. We need to have these quality services available for people who are deaf and hard of hearing. There are going to be those issues.

Rep. Porter: One of my other concerns the amount of money it actually takes to operate a board and the amount of obligation it takes to the Attorney General's office to pay for the legal services

of that board. How much are you expecting to see a licensing fee back to the individual interpreters in order practice in the state?

Rick Pelishek: I've done no research on that. We didn't look into the financial aspect.

Chairman Price: If this bill would pass in current form and we don't have even 50% of the interpreters become certified in the state, what will the hearing impaired do? Where are they going to go?

Rick Pelishek: As a Consortium that is what the issues were there. Will we have enough? We need those quality interpreters.

Chairman Price: I don't want to restrict the hearing impaired from having services, but I think the biggest issue in front of the committee is how far you go before you make it worse instead of better?

Rick Pelishek: What do we do, we support the concept in general but how do we do that? Is there going to be incentives we can provide? There are mechanisms that we have to look at.

Rep. Sandvig: Are we in compliance with ADA right now if we don't have certification and licensing?

Rick Pelishek: I can't answer that question right now.

Aaron Lapp: Coal Miner from Knife River Coal. He has a deaf daughter. (See written Testimony.)

Rocky Cofer: Superintendent of the North Dakota School for the Deaf and a parent of a deaf child. I feel that the licensing of interpreters will be an important step to ensure quality control. (See written testimony.)

Rep. Metcalf: Is there any progress in technology right now that will eventually alleviate this situation?

Rocky Cofer: There are some things that certainly are helping deaf individuals to get better information. The Internet, e-mail, fax machines, TTY machines for telephone use, relay services, but in my opinion the need for interpreters will still be there for some time to come. Especially good quality interpreters.

Rep. Niemeier: Did your school ever participate in career days to inspire high school seniors to go into that area of work?

Rocky Cofer: Yes, we participate regularly in the regional career days at the Lake Region State College. We've had representatives from our interpreter's staff give talks.

Rep. Price: How many interpreters?

Rocky Cofer: We probably have two interpreters that would be in a level three or level four range.

Chairman Price: If a community has a deaf student and there isn't a certified interpreter, what do they do?

Rocky Cofer: We try to do the best that we can, but we always should be looking for the best quality.

Rep. Metcalf: If this bill is passed, is there any mandate in the school situation where they absolutely cannot find an interpreter, and then all of a sudden the parent says "this is a law", we are going to sue you.

Rocky Cofer: In that situation, the school would probably say there are a continuum of services that can be offered in the North Dakota from teaching that student in the local school system with an interpreter and if one can't be found then you start moving down that continuum until you find something that meets the letter of the law.

Loren Geiszler: Works for U.S. Postal Service. (See written testimony.) For the past six or seven years the U.S. Postal Services has been using qualified interpreters. The Postal Service did not have qualified interpreters so I fell behind in the special training I was taking. In support of HB 1304.

Bob Rutten: Director of Special Education for the Department of Public Instruction. As part of our office's responsibilities under the Individuals with Disabilities Education Act we are charged with ensuring that appropriately trained and qualified persons work with students who have disabilities in the schools of our state. Educational interpreters fall within the realm of that responsibility. (See written testimony.)

Rep. Weiler: How many students in this school in Devils Lake Region would you say over the next five years might graduate - would put more people in the pool of being interpreters?

Bob Rutten: Probably a very small number at this point. It is not an actual interpreter program at this point. It is an attempt to provide basic information about interpreting. They would be able to finish this program and then go onto an official training program.

Rep. Porter: Would there be a concern at all if we wouldn't register them as qualified interpreters, that they might leave the state?

Bob Rutten: An earlier person testified that she would be requesting a higher salary if she were certified. It is probably a market question.

Rep. Porter: How many total years would it take before someone would meet the minimum qualifications under this bill to be an interpreter?

Bob Rutten: A traditional training program where a student goes to a college campus, is typically a two year program.

Rep. Porter: Before we would have an adequate number of interpreters to enter the pool, we would be looking at up to four to six years of having an extreme shortage?

Bob Ruten: We came up with 14 persons working as interpreters, and calculating the need has never been a precise science because we have of the total number of students in the state who probably interpreter services, there were 43 students identified. There are 111 statewide who are identified as hearing impaired.

Rep. Porter: Out of the 14 interpreters that you identified, if this legislation became law, how many of them would meet the minimum requirements and how many would have to stop doing the interpreters or go back to school.

Bob Ruten: All of these people are likely to continue in their jobs. If their skills are at a minimal level, have the ability to retest at a later date.

Chairman Price: How many 2-year programs in the state? How about Minot?

Bob Ruten: Minot State University did have a federally funded grant program. It lasted three years, and then when the federal funding went away they graduated a very small number of students. Did not contribute substantially to the interpreter pool. There is no other training program in North Dakota. The nearest schools are at St. Paul and Sioux Falls.

Chairman Price: Is there anything prohibiting EPI from requiring a certain level of proficiency?

Bob Ruten: We currently don't issue any certificates or licensure.

Chairman Price: In my daughter's discussion with the teachers she worked with, it was as much of an issue for the interpreter that they be very knowledgeable about the subject matter as the ability to interpret. This still doesn't address that because if you have someone may be a very good interpreter but if there isn't something from the other side of it will you be addressing all needs?

Bob Ruten: I know there is a sort of a distinction of what the roles the interpreter should really be doing versus what the teacher should be doing.

Vice Chairman Deylin: Are there any other areas that EPI is looking at a border free certificate type of approach?

Bob Ruten: There is some interest in this and currently we've been involved in some conference calls with representatives from other state education agencies. We are looking at qualifications for educators. There is a real need, especially between South Dakota, Wyoming, Montana, and North Dakota. We are looking for ways to doing some sort of collaboration.

Pete Billodeau: Vice President of North Dakota Registry Interpreters for the Deaf. Regarding technology in the class room, for some students captioning works very well, but if you don't have the base of English as a first language it does not work. Most interpreter programs are two years. He was in favor of HB 1304.

Rep. Maragos: Spoke in favor of HB 1304. Stressed quality of life for the deaf and hard of hearing if they don't get a good start. This is a fairness issue and we need to make a statement. I see a lot of merit to this bill and would hope committee would see it also.

Chairman Price: Closed the hearing on HB 1304

