

**Representative Don L. Ipson** proposes the following substitute bill:

**EDUCATION INTERPRETATION SERVICES FOR DEAF**

**AND HEARING IMPAIRED STUDENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Don L. Ipson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Interpreter Services for the Hearing Impaired Act by describing the membership requirements for Interpreters Certification Board, providing an exemption from interpreter certification, and prohibiting interpreter services from forming a monopoly or engaging in price fixing.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "interpreter services";
- ▶ amends membership provisions of the Interpreters Certification Board within the State Board of Education;
- ▶ provides a certification exemption in the event of a spacial need; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **53A-26a-102**, as enacted by Laws of Utah 1994, Chapter 306

28 **53A-26a-201**, as enacted by Laws of Utah 1994, Chapter 306

29 **53A-26a-305**, as last amended by Laws of Utah 2010, Chapter 324



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **53A-26a-102** is amended to read:

33 **53A-26a-102. Definitions.**

34 As used in this chapter:

35 (1) "Advisory board" or "board" means the Interpreters Certification Board created in  
36 Section 53A-26a-201.

37 (2) "Certified interpreter" means a person who is certified as meeting the certification  
38 requirements of this chapter.

39 (3) "Hearing impaired" means a hearing loss which:

40 (a) necessitates the visual acquisition of language; or

41 (b) adversely affects the acquisition of language but which does not preclude the  
42 auditory acquisition of language.

43 (4) "Interpreter services" means those services provided for payment by [~~an individual~~  
44 ~~holding one's self out to be~~] a certified interpreter to facilitate effective communication  
45 between hearing and hearing impaired persons.

46 Section 2. Section **53A-26a-201** is amended to read:

47 **53A-26a-201. Board.**

48 (1) There is created to assist the State Board of Education the Interpreters Certification  
49 Board consisting of the following 11 members:

50 (a) a designee of the director of the Division of Services to the Deaf and Hard of  
51 Hearing (DSDHH) in the Utah State Office of Rehabilitation;

52 (b) a designee of the State Board of Regents;

53 (c) a designee of the State Board of Education;

54 (d) four professional interpreters, recommended by the director of DSDHH[~~;~~and], who  
55 fall into the following categories:

56 (i) one interpreter from higher education;

- 57           (ii) one interpreter from the Utah College of Applied Technology;
- 58           (iii) one interpreter from the public school system; and
- 59           (iv) one interpreter from the private sector; and
- 60           (e) four persons who are hearing impaired, recommended by the director of DSDHH.
- 61           (2) (a) The State Board of Education shall make all appointments to the board.
- 62                 (b) In making its appointments under Subsections (1)(d) and (e), the State Board of
- 63 Education shall give consideration to recommendations by interpreters for the hearing impaired
- 64 and members of the hearing impaired community.
- 65           (3) (a) Board members shall serve three-year terms, except that for the initial terms of
- 66 board members, three shall serve one-year terms, four shall serve two-year terms, and four shall
- 67 serve three-year terms.
- 68                 (b) A person may not serve more than two three-year consecutive terms.
- 69                 (c) If a vacancy occurs on the board for any other reason than the expiration of a term,
- 70 the State Board of Education shall appoint a replacement for the remainder of the term pursuant
- 71 to Subsections (1) and (2).
- 72           (4) The State Board of Education may remove any board member for cause, which
- 73 shall include misconduct, incompetence, or neglect of duty.
- 74           (5) The board shall elect annually a chair and vice chair from among its members.
- 75           (6) The board shall meet as often as necessary to accomplish the purposes of this
- 76 chapter, but not less than quarterly.
- 77           (7) Board members shall receive compensation for actual and necessary expenses in
- 78 connection with their service on the board, but shall not receive a per diem.

79           Section 3. Section **53A-26a-305** is amended to read:

80           **53A-26a-305. Exemptions from certification -- Temporary or restricted**  
81 **certification.**

- 82           (1) The following individuals may engage in the practice of a certified interpreter,
- 83 subject to the stated circumstances and limitations, without being certified under this chapter:
- 84                 (a) an individual serving in the Armed Forces of the United States, the United States
- 85 Public Health Service, the United States Department of Veterans Affairs, or other federal
- 86 agencies while engaged in activities regulated under this chapter as a part of employment with
- 87 that federal agency if the person holds a valid certificate or license to provide interpreter

88 services issued by any other state or jurisdiction recognized by the State Board of Education;

89 (b) a student engaged in providing interpreter services while in training in a recognized  
90 school or institution of higher education approved by the State Board of Education to the extent  
91 the student's activities are supervised by qualified faculty, staff, or designee, and the services  
92 are a defined part of the training program;

93 (c) an individual engaged in an internship, residency, apprenticeship, or on-the-job  
94 training program approved by the State Board of Education while under the supervision of  
95 qualified persons;

96 (d) an individual residing in another state and certified or licensed to provide  
97 interpreter services in that state, who is called in for a consultation by an individual certified to  
98 provide interpreter services in this state, and the services provided are limited to that  
99 consultation;

100 (e) an individual who is invited by a recognized school, association, or other body  
101 approved by the State Board of Education to conduct a lecture, clinic, or demonstration on  
102 interpreter services if the individual does not establish a place of business or regularly engage  
103 in the practice of providing interpreter services in this state; and

104 (f) an individual licensed in another state or country who is in this state temporarily to  
105 attend to the needs of an athletic team or group, except that the individual may only attend to  
106 the needs of the team or group, including all individuals who travel with the team or group,  
107 except as a spectator.

108 (2) (a) An individual temporarily in this state who is exempted from certification under  
109 Subsection (1) shall comply with each requirement of the jurisdiction from which the  
110 individual derives authority to practice.

111 (b) Violation of any limitation imposed by this section is grounds for removal of  
112 exempt status, denial of certification, or another disciplinary proceeding.

113 (3) (a) Upon the declaration of a national, state, or local emergency, the State Board of  
114 Education, in collaboration with the advisory board, may suspend the requirements for  
115 permanent or temporary certification of persons who are certified or licensed in another state.

116 (b) Individuals exempt under Subsection (3)(a) shall be exempt from certification for  
117 the duration of the emergency while engaged in providing interpreter services for which they  
118 are certified or licensed in the other state.

119 (4) The State Board of Education, after consulting with the advisory board, may adopt  
120 rules for the issuance of temporary or restricted certifications if their issuance is necessary to or  
121 justified by:

122 (a) a lack of necessary available interpretive services in any area or community of the  
123 state, if the lack of services might be reasonably considered to materially jeopardize  
124 compliance with state or federal law; [~~or~~]

125 (b) a need to first observe an applicant for certification in a monitored or supervised  
126 practice of providing interpretive services before a decision is made by the board either to grant  
127 or deny the applicant a regular certification[~~;~~]; or

128 (c) a special need for a school or institution of higher education.