



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No. 23-195

For business meeting on November 17, 2023

Title

Language Access Plan: New Requirements
for American Sign Language Court
Interpreters

Agenda Item Type

Action Required

Effective Date

January 1, 2024

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

October 27, 2023

Recommended by

Court Interpreters Advisory Panel
Hon. Brian L. McCabe, Chair
Mr. Hector Gonzalez, Jr., Vice-Chair

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Executive Summary

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council address the current shortage of American Sign Language (ASL) court interpreters by approving the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters as an approved testing entity for ASL court interpreter certification for a period of four years to expand the number of available ASL court interpreters. The panel also recommends that the council direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts.

Recommendation

The Court Interpreters Advisory Panel (CIAP) recommends that the Judicial Council, effective January 1, 2024:

1. Approve temporary revisions to the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons (Guidelines)*, allowing for an exemption in critical circumstances for a period of four years;

2. Under the exemption, temporarily approve the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters as an approved testing entity for ASL court interpreter certification for a period of four years;
3. Direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts; and
4. Direct CIAP to revise the *Guidelines* and develop a recommendation for an ASL court interpreter certification program approval process that is more responsive to the current interpreter marketplace and testing and certification landscape.

The proposed revised guidelines are attached at pages 38–43.

Relevant Previous Council Action

Evidence Code section 754(h)(1) states that “[b]efore July 1, 1992, the Judicial Council shall conduct a study to establish the guidelines pursuant to which it shall determine which testing organizations, agencies, or educational institutions will be approved to administer tests for certification of court interpreters for individuals who are deaf or hard of hearing.”

The council first adopted guidelines on February 21, 1992. The current *Guidelines* were last updated in 2009.¹

Evidence Code section 754(h)(1) goes on to state that, “[b]y January 1, 1997, the Judicial Council shall approve one or more entities to administer testing for court interpreters for individuals who are deaf or hard of hearing. Testing entities may include educational institutions, testing organizations, joint powers agencies, or public agencies.”

On April 24, 1998, the council formally approved two entities for the certification of interpreters for Deaf and hard-of-hearing individuals: the California Coalition of Agencies Serving the Deaf (CCASD) and the Registry of Interpreters for the Deaf, Inc. (RID).²

On October 20, 2006, the council approved the removal of CCASD as an authorized entity (it was no longer testing and certifying interpreters) and the retention of RID as an authorized

¹ See *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (2009), www.courts.ca.gov/documents/CIP-Guidelines-to-Approve-ASL-Certification-Programs.pdf.

² The California Coalition of Agencies Serving the Deaf formerly offered an examination for certification of ASL court interpreters but stopped testing for this credential in 2006. The [Registry of Interpreters for the Deaf](#) is a leading organization in the area of best practices and professional development in ASL interpreting services. Its mission is to establish a national standard of quality for interpreters and transliterators. Holders of the formerly offered RID Specialist Certificate: Legal demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. These individuals were recommended for a broad range of assignments in the legal setting. This credential was offered from 1998 to 2015.

entity. RID has subsequently been reapproved by the council at regular intervals as the council's sole approved testing entity for ASL court interpreters.

On January 1, 2016, the RID Board of Directors imposed a moratorium on the RID Specialist Certificate: Legal (SC:L) certification, and RID ceased its testing program for the certificate. The moratorium has remained in effect, and RID is no longer awarding the SC:L credential for ASL court interpreters.³

Analysis/Rationale

Interpreters for the Deaf and hard-of-hearing are governed under Evidence Code section 754. Subdivision (f) allows the council to designate testing entities for ASL court interpreters:

For purposes of this section, “qualified interpreter” means an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hard of hearing.

(Evid. Code, § 754(f).)

With the moratorium of the RID SC:L, California has been unable to add ASL court interpreters to the Judicial Council Master List of Court Certified and Registered Court Interpreters (Master List)⁴ since 2016.

The council's *2020 Language Need and Interpreter Use Study* reported that ASL is the third most frequently interpreted language in court proceedings in the state, with 38,460 interpreted events reported between fiscal years 2014–15 and 2017–18. For many years, the Court Interpreters Program (CIP) unit believed that there were 55 ASL court interpreters on the Master List. However, recent outreach by CIP determined that there are only 39 active ASL court interpreters.

To address the need for a new credentialing solution for ASL court interpreters in California and the current shortage of active interpreters, the council contracted with the National Center for State Courts (NCSC) to research credentialing options, including the use of existing testing instruments as well as nontesting options, such as training and portfolio requirements, that may be considered by the council for use in California to qualify ASL court interpreters.

NCSC examined peer state court solutions for qualifying ASL court interpreters, which included the identification of testing and nontesting ASL credentialing options used by other states and the

³ More information on the moratorium is available at <https://rid.org/rid-certification-overview/certifications-under-moratorium/>.

⁴ The Master List is an online database maintained by the Judicial Council's Language Access Services Program. It allows courts, attorneys, and members of the public to search for court certified, registered, and enrolled interpreters who are in good standing with the Judicial Council. See www.courts.ca.gov/35273.htm.

facilitation of focus groups and interviews via Zoom with a range of stakeholders, including credentialed ASL court interpreters, Deaf court interpreters, ASL court interpreter training experts, ASL court interpreter candidates, and representatives from organizations serving the Deaf and hard-of-hearing communities.⁵ The focus group interviews were designed to obtain information on current national and local efforts to qualify ASL court interpreters, as well as to identify foundational training content that could be considered by the council for possible ASL court interpreter trainings.

Although state credentialing requirements for ASL interpreters vary across the country, NCSC found that many states, like California, continue to recognize the SC:L as a valid certification for ASL court interpreters. In response to the RID moratorium on testing for SC:L certification, these states have adopted additional testing and nontesting options to certify ASL interpreters for work in the courts in their states.⁶

The majority of state models reviewed share common elements, including (1) the continued recognition of the SC:L as the highest level of certification for ASL court interpreters, and (2) lower classification tiers for ASL court interpreters with ASL generalist (not court interpreter-specific) credentials. Models differ regarding the recognition of the SC:L and Texas Board for Evaluation of Interpreters (BEI) Court Interpreter Certification exam for the highest level of certification, with several states recognizing the BEI Court Interpreter Certification exam in addition to the SC:L. Currently, the BEI certification from Texas remains the only legal terminology-based testing option available for certification as an ASL court interpreter in the United States.

Additionally, states have various additional training and performance requirements for interpreters and formats for providing such requirements for interpreters with lower-level classifications.

CIAP determined that California may be able to address the current shortage of ASL court interpreters by developing a two-pronged approach. Allowing recognition of the SC:L and holders of the Texas BEI Court Interpreter Certification through reciprocity will expand the number of available ASL court interpreters. Developing a pathway in California for interpreters with a generalist ASL credential to receive legal training and complete portfolio requirements

⁵ As provided on the Rochester Institute of Technology National Technical Institute for the Deaf website, “the word **deaf** usually refers to an individual with very little or no functional hearing and who often uses sign language to communicate. **Hard of hearing** refers to an individual who has a mild-to-moderate hearing loss who may communicate through sign language, spoken language, or both” (<https://deaftec.org/stem-employment/for-employers-resources-for-hiring-and-inclusion/deaf-and-hard-of-hearing-some-definitions/>; emphasis original). The National Association of the Deaf provides, “We use the lowercase deaf when referring to the audiological condition of not hearing, and the uppercase Deaf when referring to a particular group of deaf people who share a language—American Sign Language (ASL)—and a culture.” (Carol Padden and Tom Humphries, *Deaf in America: Voices from a Culture* (1988), www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/).

⁶ See CIAP meeting materials at www.courts.ca.gov/documents/032922_ILAS_Open_Mtg_Materials.pdf and www.courts.ca.gov/documents/091322_ILAS_Open_Mtg_Materials.pdf.

(such as required training, having a mentor, and a certain number of hours that must first be worked in the courts) will create a long-term solution for qualifying additional ASL interpreters to work in the courts.

Recommendation 1: Approve temporary revisions to the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons*, allowing for an exemption in critical circumstances for a period of four years

Evidence Code section 754(h)(1), which required the council to conduct a study and publish guidelines for approval of ASL court interpreter testing entities, was enacted in the 1990s, when ASL court interpreter testing entities were available in California. The guidelines, last updated in 2009, were approved by the council and based on business needs and testing requirements at that time. The *Guidelines* from 2009 include staff interaction with and expectations for ASL court interpreter testing entities that administer ASL court interpreter examinations in California.

Given that the Texas BEI is the only available certifying program, CIAP proposes that the council approve minor and temporary revisions to the *Guidelines*, allowing exemptions in critical or unusual circumstances for a period of four years, to assure that certified ASL court interpreters are available to provide services in California (see Attachment A, page 43). This exemption may include recognition of another state's testing program, provided that the council can verify that the testing entity is qualified to administer tests to court interpreters for the Deaf or hard-of-hearing. CIAP will monitor progress and determine whether to recommend that the guidelines be modified or extended before the end of the four-year exemption period.

Recommendation 2: Under the exemption, temporarily approve the Texas Office of Deaf and Hard of Hearing Services Board for Evaluation of Interpreters as an approved testing entity for ASL court interpreter certification for a period of four years

The one remaining agency that was a council-approved certifying agency (RID) stopped testing for the SC:L credential in 2016. This testing gap of over seven years has caused a shortage of certified ASL court interpreters to serve Deaf and hard-of-hearing litigants. Through research conducted by the NCSC, CIAP identified that the Texas Board for Evaluation of Interpreters (BEI) Court Interpreter Certification is the only currently administered court-specific exam process for ASL court interpreters in the United States.

The BEI Court Interpreter Certification exam is part of the Office of Deaf and Hard of Hearing Services (DHHS) BEI certification program and has been developed specifically for certifying the skill level of individuals seeking to become certified ASL court interpreters in Texas. On careful review initiated by a CIAP subcommittee and additionally reviewed by the advisory panel as a whole, CIAP determined that the Texas BEI Court Interpreter Certification is comparable to the SC:L and tests for proficiency as an ASL court interpreter (see Attachment B). Under Evidence Code section 754(f), the council may recognize the Texas DHHS as qualified to administer tests to court interpreters for individuals who are Deaf or hard-of-hearing.

Approximately 124 active ASL court interpreters hold the Texas BEI certification. In addition to Texas, the following states recognize BEI Court Interpreter Certification: Alabama, Arizona,

Arkansas, Colorado, New Mexico, and Wisconsin. These states currently grant reciprocity for ASL court interpreters with the BEI Court Interpreter Certification, qualifying them to work in the courts in their respective states. Through a reciprocity process—in which CIP would recognize holders of the Texas BEI who apply and are approved and would add them to the Master List—California would also be able to expand its pool of qualified ASL court interpreters to assist litigants with in-person or remote interpretation.

Before the end of the four-year exemption period, CIAP will provide a status update and recommend to the council whether to extend recognition of the Texas DHHS as an approved testing entity for ASL court interpreter certification for another four-year period.

Recommendation 3: Direct CIAP to develop a proposal for the council to certify persons with ASL generalist credentials to perform work in the courts

CIAP determined that recognition of persons with an ASL generalist credential is a potential solution that CIAP will need to further study and consider. Other ASL court interpreter credentialing options include the recognition of ASL generalist credentials that are not court-specific but that indicate that an interpreter has requisite skills for interpretation in other settings. Attachment C contains a table with examples of generalist ASL credentials that are accepted by other states.

Requirements vary by state, but several states permit ASL interpreters with generalist credentials to be qualified in their states for work in the courts.⁷ They place these ASL interpreters in lower tiers of classification than those with court-specific licenses and require or offer court-specific trainings, orientations, observations, or mentorships to prepare these ASL interpreters.

In conjunction with exploring this credentialing option, and in undertaking this project, CIAP will likely need to review Evidence Code section 754(f) to see if minor amendments are required that would allow for these other nontesting solutions, such as lower classifications for interpreters with ASL generalist credentials. As noted, other states combine the ASL generalist credential with training and portfolio requirements that prepare the interpreter for working in the courts, which increases court user access to ASL interpreters and creates a pathway for persons to seek full ASL court interpreter certification in the future.

Recommendation 4. Direct CIAP to revise the *Guidelines* and develop a recommendation for an ASL court interpreter certification program approval process that is more responsive to the current interpreter marketplace and testing and certification landscape

Because of changes in business practice and the current testing landscape, the guidelines no longer align with the ability to provide continued administration, council staffing, or expectations for an outside entity that is not under contract with the council (e.g., the document states that “[t]he certifying organization shall provide to the Judicial Council all evidence required to document compliance with these guidelines”; see Attachment A, page 43). NCSC used publicly

⁷ See, for example, New Mexico requirements for sign language interpreters at <https://nmcenterforlanguageaccess.org/cms/en/training/court-interpreter-certification>.

available information and CIP conducted direct outreach to administrators of the Texas program to confirm certain key elements of its testing program (see Attachments B and D).

It appears appropriate and timely for CIAP to undertake a future project to revise the current *Guidelines* and develop a more modern application form/checklist that can be completed by potential and approved ASL court interpreter testing entities at regular four-year intervals. This process could include asking the provider to provide links to publicly available documents or specific program information (e.g., exam content and description, testing procedures, application and scoring processes, complaint processes, and continuing education requirements), to verify that the testing entity meets minimum requirements for recognition of an ASL court interpreter testing program. As noted for Recommendation 1, CIAP will monitor progress and determine whether to recommend that the guidelines be modified or extended before the end of the four-year exemption period.

Policy implications

After years of being severely hampered by the SC:L moratorium, courts would finally be able to hire persons who have either the SC:L or the Texas BEI credential, which will help to expand the pool of qualified interpreters who can serve ASL litigants. Recognition of the Texas BEI through reciprocity does not preclude future recognition by the council of an additional testing entity, provided the council can verify that the testing entity meets the minimum requirements for recognition of an ASL court interpreter testing program.

Comments

The proposal was circulated for comment in a special cycle for six weeks (Apr. 14–May 26, 2023). Twelve comments were received. Commenters included the following:

- Six individuals, including persons who self-identified as ASL interpreters
- Four Deaf or hard-of-hearing advocacy organizations:
 - California Association of the Deaf (CAD)
 - DeafHope
 - Greater Los Angeles Agency on Deafness, Inc. (GLAD)⁸
 - RID
- An appellate justice who cochairs the Advisory Committee on Providing Access and Fairness and is chair of its Language Access Subcommittee
- A superior court (the Superior Court of Riverside County)

Two agreed with the proposal, 3 agreed if modified, 5 did not agree, and 2 did not indicate whether they agreed or disagreed with the proposal. (See the chart of comments, attached at

⁸ The comment from GLAD was joined by Orange County Deaf Equal Access Foundation (OCDEAF), Center on Deafness Inland Empire (CODIE), Tri-County GLAD (TCGLAD), and Bakersfield GLAD (BGLAD).

pages 11–37.) Persons or entities that did not agree with the proposal indicated that they did not think it was fair or right for persons to have to travel to Texas to take the examination and pointed out that Assembly Bill 1887 prohibited state-funded and state-sponsored travel to Texas.⁹ They also indicated that instead of approving the proposed recommendations, the council should instead form an ad hoc working group comprised of Deaf experts, ASL court interpreter experts, and Certified Deaf Interpreters (CDIs) who would meet over a period of 1.5 years and develop a new set of recommendations for the council. These individuals or entities expressed a desire for California to develop and administer its own examination, and/or for the council to develop specialized training for ASL court interpreters and CDIs. They also expressed concerns with persons with generalist ASL credentials performing any work in the courts.

Persons or entities who agreed with the proposal indicated that approval of the Texas BEI will expand access to qualified ASL court interpreters, which benefits Deaf and hard-of-hearing court users and provides a pathway for persons who have waited for years to become an ASL court interpreter for California. RID indicated that, overall, it supports the recommendations made by CIAP for the purpose of expanding the pool of qualified court interpreters within the State of California to ensure that minimum competency in services is delivered to diverse ASL litigants. It identified as an area of concern the need to ensure that interpreters are held accountable for ethical or professional complaints.¹⁰ RID also indicated that it is currently working to develop and relaunch the SC:L examination on a national basis at a future date to be determined, if it can raise adequate funding.

On August 3, 2023, CIAP voted unanimously to approve the recommendations in this report. Members noted that this is a temporary but necessary solution that will meet the requirements of the Evidence Code and address California’s immediate need to add more qualified ASL court interpreters to the Master List. Members were sympathetic to concerns raised by stakeholders regarding the lack of a California examination and recognized that some individuals may not want (or be able to afford) to travel to Texas to take the BEI. Members also were supportive of California and RID continuing to develop long-term solutions that will provide more pathways in California for the credentialing of ASL interpreters to enable them to work in the courts. They also requested that council staff update the CIAP members annually to let members know whether the proposed solution to recognize holders of the BEI has improved the supply of ASL court interpreters for California, as well as the status of RID efforts to restart the SC:L examination.

Alternatives considered

CIAP explored the possibility of creating a California ASL court interpreter examination but concluded that the startup, maintenance, and staffing necessary to launch and administer such an examination on an ongoing basis would be time-consuming and cost prohibitive. At this time,

⁹ On September 13, 2023, the Governor signed Senate Bill 447 (Stats. 2023, ch. 199), which repeals AB 1887 and removes the travel restrictions to Texas and other states.

¹⁰ See comments chart, response to RID comment, pp. 30–31.

current funding and staffing resources for the council's Language Access Services Program cannot support the development, piloting, launch, ongoing maintenance, evaluation and scoring, and staffing necessary for the administration of a California examination for ASL court interpreters. Current resources also do not support the creation and staffing of an ad hoc group.

For the short term, California needs a solution that is timely, will expand the ASL court interpreter pool, and can meet the requirements of Evidence Code section 754(f), which states that “ ‘qualified interpreter’ means an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as **qualified to administer tests to court interpreters** for individuals who are deaf or hard of hearing.” (Emphasis added.) The Texas BEI is currently the only examination available in the United States for certification as an ASL court interpreter.

Fiscal and Operational Impacts

Approval of the Texas BEI as a certifying entity would result in no cost to the courts or council. Courts would be able to hire persons who have either the SC:L or the Texas BEI credential, which will help to expand the pool of qualified interpreters who can serve ASL litigants.

NCSC, under contract with the Language Access Services Program, developed an online course that is anticipated to be available in early 2024 for ASL court interpreters who wish to work in the California courts. Findings from the NCSC research, including focus group findings, helped inform this course and will help inform future training efforts.

The NCSC Written Examination is a prerequisite for the Texas BEI Court Interpreter Credential. Staff confirmed that the Written Examination, which is an English language examination, is the same examination whether administered in Texas or California, so persons who have taken and passed the Written Examination in California will not need to retake it in Texas. Persons interested in taking the Texas BEI Court Interpreter examination will need to register for and travel to Texas to take the required examination(s). See Attachment D for additional information that council staff obtained from Texas staff.

Council staff would need to create an application form for adding persons with the Texas BEI credential through reciprocity to the Master List, as well as develop recruitment content for existing or prospective passers of the Texas BEI for placement on the California Courts website. Council staff also recommend that existing ASL court interpreters and new interpreters added through reciprocity pay the \$100 annual interpreter renewal fee so that the program can more accurately track the number, status, and contact information of ASL court interpreters who are on the Master List. Fees collected will be deposited into the Court Interpreters' Fund, which gathers annual renewal payments from spoken-language interpreters and supports interpreter training and other program efforts.

There will be additional costs of council staff time to develop a new process for the authorization of testing and certification entities for ASL court interpreters. Future work by CIAP to develop a

proposal for the council to potentially certify persons with ASL generalist credentials to perform work in the courts may require consultant assistance under existing program funding.

Attachments and Links

1. Chart of comments, at pages 11–37
2. Attachment A: Revised *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (2024)
3. Attachment B: SC:L and BEI Court Interpreter Certification Information
4. Attachment C: ASL Generalist Examinations Accepted by Some States
5. Attachment D: Additional Information Obtained by Judicial Council Staff from Texas Staff
6. Link: *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (2009), www.courts.ca.gov/documents/CIP-Guidelines-to-Approve-ASL-Certification-Programs.pdf
7. Link: *2020 Language Need and Interpreter Use Study*, www.courts.ca.gov/documents/2020-Language-Need-and-Interpreter-Use-Study-Report-to-the-Legislature.pdf

ITC SP23-01**Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters**

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
1	Brandon (no last name provided) Sacramento, CA	N	This is inaccessible to many interpreters, including Deaf, Black, Indigenous, and other Persons of Color. Imploring them to fly to Texas, take the BEI exam is an undue burden on our Californian interpreters. We need to see California establish a licensing and regulatory system for sign language for interpreters under to be housed under a certain department, preferably those overseeing the scope of services provided to the Deaf and Hard of Hearing. This would allow for the interpreters to access to state licensure, and implement a centralized, efficient and appropriate protocols for ensuring an accessible judicial system for years to come. This way, the state can continue its work toward accessibility in a direct sense. Relying on another states, especially Texas to provide credentials to perform sign language interpreting in the judicial system reflects poorly on Californian values and disproves itself as a leader of the people in regard to diversity, equity and inclusion. I urge you to reconsider this and take an alternative approach.	The committee thanks the commenter for their comment. The committee realizes that travel to Texas may be a hardship for some individuals. The proposal is intended to address short-term needs by allowing reciprocity for holders of the Texas BEI, who could be eligible to work for the California courts either in-person or remotely. Travel to Texas to take the BEI is optional and depends on an individual's situation. CIAP explored the possibility of creating a California ASL court interpreter examination, but concluded that the startup, maintenance, and staffing necessary to launch and administer such an examination on an ongoing basis would be time consuming and cost prohibitive.
2	California Association of the Deaf (CAD) by Kavita Pipalia, President Sacramento, CA	N	Thank you for reaching out to us and providing us with the opportunity to offer our inputs towards the four recommendations. The California Association of the Deaf	The committee thanks the commenter for their comment.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

ITC SP23-01

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	Commentator	Position	Comment	Committee Response
			(CAD), a non-profit organization established in 1906 to promote, preserve and protect the rights of the Deaf community, American Sign Language and human rights. Some of the areas of focus include rights to education, entertainment, employment, and legal services; directly and indirectly through the provision of interpreters. The Deaf community includes those who are Deaf, hard of hearing, DeafBlind, DeafDisabled, and late-deafened. CAD has hosted two forums to gather inputs from the Deaf community and Deaf/court ASL interpreters on May 11 and May 18, 2023 respectively. It is understandable that there may be mixed input from the impacted community members and it is important to take all perspectives into consideration. One important area that is wholly overlooked in all of the JCC/CIAP documents requesting public comments is the inclusion of Deaf Interpreters as part of the interpreting profession working in courts. Training, certification, qualifications, and beyond must start by including Deaf interpreters in every aspect of the provision of legal services to the Deaf community. A summary of our collective primary concerns/recommendations are as follows: We do not support the addition of BEI to the list of approved certifying entities for California court processes. Nor do we support reciprocity. To adopt these proposals would	CIAP explored the possibility of creating a California ASL court interpreter examination, but concluded that the startup, maintenance, and staffing necessary to launch and

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Commentator	Position	Comment	Committee Response
		only address symptoms of this interpreter shortage rather than addressing deeply rooted issues plaguing recruitment, training, and retention of prospective court-interpreters. California must build a body of qualified and certified interpreters within our own state including Deaf interpreters with proper testing practices as well as training that is inclusive of Deaf and hearing ASL interpreters alike. We do not have any information from RID that the SC:L certification will be re-installed or re-created and therefore, cannot wait any longer for RID nor any other external agency to make a decision in this regard. The responsibility for certification falls on California Court systems. We recommend that the JCC hire someone specifically to focus on recruiting, coordinating, overseeing, training, and evaluating court interpreters who are providing services to the Deaf community. We recognize that California courts require a method for ensuring that all ASL interpreters (Deaf and hearing) are qualified and certified and recommend that a state-wide system be put in place for this goal. The use of Video Relay Interpreting (VRI) for in court appearances is not conducive nor cost-effective for the purpose of language facilitation in legal settings. We recommend that the use of VRI in court settings be used sparingly; not as the norm. With that said, we	administer such an examination on an ongoing basis would be time consuming and cost prohibitive. For the short-term, California needs a solution that can meet the requirements of the Evidence Code. The Texas BEI is currently the only examination available in the U.S. for certification as an ASL court interpreter. Evidence Code section 754(g) states: “For purposes of this section, “qualified interpreter” means an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hard of hearing.” Recognition of the Texas BEI through reciprocity does not preclude future recognition of an additional testing entity, provided that the council can verify that the testing entity meets the minimum requirements for recognition of an ASL court interpreter testing program.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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	Commentator	Position	Comment	Committee Response
			do not recommend the use of VRI; however, the ad hoc needs to list what purposes will VRI be allowed in special circumstances. While these recommendations from CIAP are for four years, we do not see any accountability in place to ensure constituents of what will be done in those four years, what happens if nothing is in place within four years, nor identification of and who exactly is qualified to create a plan for what is to take place after those four years have concluded. The comments above lead us to strongly recommend that it would be beneficial to extend the time to form an ad hoc task force with people who are dedicated, committed, and specifically qualified to address each of the areas listed above. This committee would support the development of training materials for the Deaf Interpreters/ Court ASL Interpreters in order to obtain certification and to improve the quality of legal services for the Deaf community. Please contact us for the list of names to appoint or to recommend to serve on the ad hoc committee. It is imperative that the council recognizes the critical need to include highly qualified members of Deaf community including interpreter professionals, both Deaf and hearing, who are experts in this issue and who deserve to be compensated for their time and expertise. The timeline to form an ad hoc committee and focus on the development of training	Prior to the end of the four-year exemption period, CIAP will provide a status update and recommend to the council whether to extend recognition of the Texas DHHS as an approved testing entity for ASL court interpreter certification for another four-year period. Current resources do not support the creation and staffing of an ad hoc group. A further delay of one to two years to develop new recommendations is also not tenable given the immediate crisis and the need for a timely solution that will meet the requirements of the Evidence Code and allow more qualified ASL court interpreters to be added to the Judicial Council Master List. Recognition of persons with a generalist ASL credential would be a future CIAP project, which would entail input from stakeholders including on training and portfolio requirements.

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	Commentator	Position	Comment	Committee Response
			materials would be anticipated to complete this within a year. Please let me know how CAD can support this effort.	
3	Mallory Cross Sacramento, CA	N	While this seems like a great temporary solve for RID's pause on SC:L, this is extremely cost prohibitive. Only interpreters who have the extra time and money will be able to arrange costs for flights, lodging and the exam itself.	The committee thanks the commenter for their comment. The committee realizes that travel to Texas may be a hardship for some individuals. The proposal is intended to address short-term needs by allowing reciprocity for holders of the Texas BEI, who could be eligible to work for the California courts either in-person or remotely. Travel to Texas to take the BEI is optional and depends on an individual's situation.
4	DeafHope by Brian Berlinski Empowerment Director Oliver Stabbe DeafHope Volunteer Richmond, CA	N	Recommendation 1: Approve Temporary Revisions to the Guidelines Allowing for Exemptions in Critical Circumstances and Approve the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for ASL court interpreter certification for four years. Though the Texas BEI has been employed in multiple other states there is no data publicly available verifying the effectiveness of BEI. Rather, research conducted has found that the BEI as the selected credential in a court context still has a dissatisfaction rate of between 13%-25% amongst deaf and hard-of-hearing (D/HH) interpretation service consumers in Texas. The Texas BEI may play a short-term role in increasing the number of eligible interpreters in the short-	The committee thanks the commenter for their comment. The committee notes that the commenter appears to be citing findings regarding satisfaction with sign language interpreters in Texas from an individual's college thesis from 2010, and not from an ongoing or recent published evaluation of the BEI.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			term, but should not be a long term, nor primary solution. Additional information is needed regarding what these temporary revisions are and the language in which it will be revised. Recommendation 2 – Add to the Judicial Council Master List holders and passers of the Texas BEI Court Interpreter Certification who apply for reciprocity. Employing the Texas BEI as the sole long term substitute for the SC:L will result in the exclusion of interpreters from marginalized communities. Not every candidate is able to access resources to travel to Texas and take the examination, nor is every candidate safe to do so. Using the BEI as the sole means to ASL court-interpreter work would pose equity concerns, amplifying the exclusion existent against ASL interpreters from marginalized backgrounds. The Texas BEI examination is conducted over 1,500 miles away, once approximately every two months. Texas is classified as High Priority to Achieve Basic Equality by leading LGBTQ policy research organizations, with over 30 bills targeted to restrict the rights of LGBTQ individuals proposed in the last legislative session alone, jeopardizing the safety of LGBTQ interpreters seeking BEI credentialing. California officially recognized the risk and	The committee realizes that travel to Texas may be a hardship for some individuals. The proposal is intended to address short-term needs by allowing reciprocity for holders of the Texas BEI, who could be eligible to work for the California courts either in-person or remotely. Travel to Texas to take the BEI is optional and depends on an individual's situation. CIAP explored the possibility of creating a California ASL court interpreter examination, but concluded that the startup, maintenance, and staffing necessary to launch and administer such an examination on an ongoing basis would be time consuming and cost prohibitive.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			perils that can come to LGBTQ individuals traveling to Texas when AB 1887 was passed, prohibiting publicly funding travel to states which discriminate against lesbian, gay, bisexual and transgender people. Interpreters carry a monumental responsibility in their roles in the legal system. Not only must they attain superior levels of training and experience, but they must also recognize and mediate complex linguistic and social issues, advocate for their profession in terms of what they need to do their job effectively, and guide law officers. Interpreters are humans and, despite historical assumptions and beliefs, do not remain completely neutral when performing interpreting duties. Stigma exists towards dialects of signers of color, including amongst interpreters. Interpreters must make decisions and word choices BIPOC court-involved D/HH individuals based on cultural sensitivities. Linguistic diversity aspects can create serious communication complications even amongst professional sign language interpreters. And even when courts provide accommodations, D/HH consumers still face a significant risk of mistranslation or misinterpretation, especially when they communicate in a combination of styles, accents, or dialects, as evidenced by research indicating that white interpreters are more likely to make language mistakes of Black signers. Additionally, the Texas BEI contributes to the exclusion of Black, Brown, and Indigenous People of	For the short-term, California needs a solution that can meet the requirements of the Evidence Code. The Texas BEI is currently the only examination available in the U.S. for certification as an ASL court interpreter. Evidence Code section 754(g) states: “For purposes of this section, “qualified interpreter” means an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hard of hearing.” The committee acknowledges that this is a temporary solution and that CIAP seeks direction from the council to work on longer-term solutions. Recognition of the Texas BEI through reciprocity does not preclude future recognition of an additional testing entity, provided that the council can verify that the testing entity meets the minimum requirements for recognition of an ASL court interpreter testing program.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			Color (BIPOC). Although no public data points are available, it is well known amongst the ASL interpreting community that the Texas BEI has a higher fail rate for BIPOC interpreters, further limiting the pool of qualified and linguistically diverse interpreters. This will have dangerous consequences on D/HH individuals, particularly those living on the intersection of multiple oppressed identities. A culmination of these reasons points to using the Texas BEI, as an individual intervention, as insufficient to remedying the interpreter shortage crisis. Recommendation 3 – Direct CIAP to develop a future proposal for the Judicial Council to potentially certify persons with ASL generalist credentials to perform work in the courts, which may include California court-specific training requirements. The proposal to adopt generalist ASL interpreters to court interpreting is misguided. An individual holding a generalist credential is just that - a generalist interpreter. Legal interpretation is a specific facet of language interpreting that is rarely covered in most interpreter training programs, and if covered even more rarely in-depth or to a degree that would allow an interpreter who only holds a generalist credential to provide a faithful and accurate interpretation in courtroom and/or legal settings.	CIAP will take these comments into consideration as it studies this option. Recognition of persons with a generalist ASL credential would be a future CIAP project, which would entail input from stakeholders including on training and portfolio requirements.

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ITC SP23-01**Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters**

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			Even with additional court interpreting experience, mentorship, or oversight, this proposal is still hazardous to D/HH court involved individuals. Gaining experience in legal interpreting is insufficient by itself to become a legal interpreter. Assigning the responsibility to a mentoring interpreter to train and oversee a generalist interpreter to become a court interpreter is unacceptable. Such additional responsibilities could interfere with their ability to provide high quality services as they already are balancing innumerable technical responsibilities. There are no requirements in current interpreter certification to show that the mentorship and guidance provided by qualified interpreters is accurate, or best practices for courtroom interpretation. Moreover, determining who is a “qualified” interpreter able to provide mentorship is inconceivable should the person determining if a person meets such standards not be fluent in the language evaluated. As stated before, BEI-credentialed interpreters employed in legal settings still have a dissatisfaction rate of between 13%-25%, meaning there is potential for interpreters who are unqualified but hold the proper credentials to be providing mentorship and training. There are heavy ethical implications for interpreters holding a generalist credential to work in courtroom settings. RID’s tenants list all NIC (generalist) interpreters bound to state interpreters should only accept assignments that they are qualified to complete. The	

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			nature of courtroom settings, and the previous existence of a specialist credential (SC:L) imply that a generalist would be out of scope in this specialized setting, violating the ethics they are bound to as generalists. Moreover, though generalist ASL credentials may be accepted by other states, no data is available to verify that their decision to do so resulted in high quality interpretation services nor meaningful language access. Additional information is needed about what outcome measures of effective communication were employed and evaluated with. Recommendation 4 – Direct CIAP to propose further revisions to the current Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons as a future project and develop a recommendation for a process for approving ASL court interpreter certification programs that is more responsive to the current interpreter marketplace and testing and certification landscape. We agree that further and ongoing updates are needed to the Guidelines for the Approval of Certification Programs, though, further information is needed about what these concrete revisions are. As CIAP moves forward in addressing these issues, it is imperative to note that these proposals have been developed and evaluated by individuals lacking fluency in the language	CIAP will consider these points as it works on future proposals.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			being evaluated. To meaningfully address this issue, we need California-based individuals who are fluent in the target language evaluated and most impacted by the consequences of these decisions to be meaningfully and equitably engaged in future conversations. Thus far, the evaluation and proposal board notably has lacked participation of Certified Deaf Interpreters (CDIs) – who possess expert knowledge on the ability to evaluate state interpreters and as Deaf persons receiving spoken language to ASL interpretation services. As previously noted, the Texas BEI may only be one arm of intervention. An ad hoc advisory body of CDIs, Deaf experts, and sign language interpreter experts must be formed and consulted in future conversations, decisions, training, and preparedness for court ASL interpreters.	
5	Zina Egbe Long Beach, CA	A	As a NIC certified Sign Language interpreter who has completed Legal Interpreter Training, there is absolutely no way for me to work as a Court interpreter simply because RID is no longer offering Legal certification. I am ready to get certified but California does not offer certification or even screenings for Sign Language interpreters who want to work in the legal setting. There already is a shortage of interpreters in general but even more in the legal setting and it is about time something gets done about it.	The committee thanks the commenter for their comment.
6	Greater Los Angeles Agency on Deafness, Inc. (GLAD) by Patricia Hughes	NI	This letter is sent on behalf of Greater Los Angeles Agency on Deafness (GLAD), Orange County Deaf Equal Access	The committee thanks the commenter for their comment.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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Chief Executive Officer Los Angeles, CA Joined by: Orange County Deaf Equal Access Foundation (OCDEAF) Center on Deafness Inland Empire (CODIE) Tri-County GLAD (TCGLAD) Bakersfield GLAD (BGLAD)		Foundation (OCDEAF), Center on Deafness Inland Empire (CODIE), Tri-County GLAD (TCGLAD), and Bakersfield GLAD (BGLAD); we are distressed to learn of the four recommendations that seem to be made hastily on a serious and severe shortage of ASL court interpreters. We are asking that the JCC set up an ad hoc committee consisting of deaf individuals who would be recommended by Deaf organizations/agencies and ASL court interpreters including Certified Deaf Interpreters (CDI) to present recommendations to the JCC in 1.5 years. GLAD et al serves ten counties covering Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Orange, Riverside, San Bernardino, Inyo, and Mono Counties. Our services are within advocacy, communication assistance, independent living skills, information and referral, community education, peer counseling, and community events. We work extensively with individuals who are deaf, deaf blind, hard of hearing, and deaf plus. We work with individuals who have had problems in court systems, often resulting from misunderstandings due to miscommunication and/or lack of interpreters. Recommendation 1- Approve temporary revisions to the guidelines allowing for exemptions in critical circumstances and approve the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an	

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			approved testing entity for ASL court interpreter certification for four years. The danger behind this recommendation is that we can not afford the “temporary” revisions to the guidelines because the JCC seems to be willing to bend the need to create a permanent evaluation entity in CA. It will also enable the JCC to forget about the need to set up a permanent evaluation suited for the state of CA. Texas and California do not share much common in ground. I understand that it seems that it will alleviate the shortage of interpreters but we do need to set up a system in CA thus our recommendation stands for an ad hoc committee to address the issue as a whole. Recommendation 2- Add to the Judicial Master List holders and passers of Texas BEI who apply for reciprocity: The danger behind the reciprocity of BEI interpreters from other states into CA court systems is that it is a known fact that some signs are different depending on the region. Interpreters may misunderstand and misinterpret the CA person’s signs to mean other words which can have a horrendous impact on the outcomes of legal proceedings. The state of Maryland passed a new legislation signed by its Governor forbidding non-qualified interpreters in the state and to prevent “fraud” interpreters who pretend to be interpreters. We have no way knowing how	CIAP explored the possibility of creating a California ASL court interpreter examination, but concluded that the startup, maintenance, and staffing necessary to launch and administer such an examination on an ongoing basis would be time consuming and cost prohibitive. Current resources do not support the creation and staffing of an ad hoc group. A further delay of one to two years to develop new recommendations is also not tenable given the immediate crisis and the need for a timely solution that will meet the requirements of the Evidence Code and allow more qualified ASL court interpreters to be added to the Judicial Council Master List. For the short-term, California needs a solution that can meet the requirements of the Evidence Code. The Texas BEI is currently the only examination available in the U.S. for certification as an ASL court interpreter. Evidence Code section 754(g) states: “For purposes of this section, “qualified interpreter” means an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			other states evaluate their interpreters and grant BEI to them. The evaluations vary in the states depending on raters. We need to have our own raters in our state. Recommendation 3 - Direct CIAP to develop a future proposal for the Judicial Council to potentially certify persons with ASL generalist credentials to perform work in the courts, which may include California court-specific training programs. We strongly oppose to this because “generalists” are NOT ready to interpret in courts. In order to certify an ASL court interpreter, the interpreter has to be considered “master” in the interpreting field before being considered for any kind of court work. This recommendation is setting deaf people’s rights to qualified interpreter services in the courts back to years ago. We cannot afford this by lowering qualifications for mid-level interpreters for court work. It is like putting deaf people’s right to equal communication on back burners. Recommendation 4- Direct CIAP to propose further revisions to the current Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard of Hearing persons as a future project and develop a recommendation for a process for approving ASL court interpreter certification programs that is more responsive to the current	administer tests to court interpreters for individuals who are deaf or hard of hearing.” Recognition of the Texas BEI through reciprocity does not preclude future recognition of an additional testing entity, provided that the council can verify that the testing entity meets the minimum requirements for recognition of an ASL court interpreter testing program. Recognition of persons with a generalist ASL credential would be a future CIAP project, which would entail input from stakeholders including on training and portfolio requirements.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			interpreter marketplace and certification landscape. Our recommendation to set up an ad hoc committee stands because we need a qualified committee to address the need to develop special trainings for master ASL and CDI interpreters to be further trained to work as interpreters in court systems. We see a need for this but for master interpreters only, not for generalist interpreters. Generalists are not ready for the court work. GLAD et al is very disheartened with CIAP's recommendations without input from deaf community. JCC should ask for our input, collaborate, and create recommendations but CIAP did not attempt to work with deaf agencies and organizations. We are the ones who need ASL interpreters who are QUALIFIED in courts and we deserve to have highly qualified certified interpreters for courts. We do recognize the severe shortage of ASL court interpreters including CDI; however, it is better to set up the right program at the beginning than in middle of the road creating more problems down the road. We are here to work with you to create a better set of recommendations through the ad hoc committee.	
7	Bryan Kritzeck	AM	As a court certified ASL interpreter, who currently works frequently in the courts, I see	The committee thanks the commenter for their comment.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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	Court Certified ASL Interpreter Riverside, CA		the need for immediate and future relief for not only the courts, but the current working body of court certified interpreters who are overwhelmed. These recommendations are a good starting place for this discussion and implementation of several areas within the courts around California that need improvement. Recommendation 1: I agree the BEI Court interpreter Certification is a comparable certification to the RID Specialist Certificate: Legal (SC:L). I do not agree with a time-limit for accepting BEI Court Interpreter Certification via reciprocity. Once an interpreter has proven they are proficient by a testing and certifying entity, and the interpreter maintains that certification via CEU's or CIMCE's, they should remain on the Court Interpreters Master List. Until California has their own testing entity, they must vet and select a testing entity or entities to proctor and maintain the responsibilities of verifying current certification. Recommendation 2: I agree the BEI Court interpreter Certification is a comparable certification to the RID Specialist Certificate: Legal (SC:L). I do not agree with reciprocity. I believe the BEI Court interpreter Certification on its own should be accepted as a viable and valid certification to be placed on the Court Interpreter's Master List.	Prior to the end of the four-year exemption period, CIAP will provide a status update and recommend to the council whether to extend recognition of the Texas DHHS as an approved testing entity for ASL court interpreter certification for another four-year period. Recognition of the Texas BEI through reciprocity does not preclude future recognition by the council of an additional testing entity, provided that the council can verify that the testing entity meets the minimum requirements for recognition of an ASL court interpreter testing program. Through a reciprocity process—in which CIP would recognize holders of the Texas BEI who apply and are approved and add them to the Master List—California would be able to expand its pool of qualified ASL court interpreters to assist litigants with in-person or remote interpretation. CIP also needs to verify that the interpreter is in good standing with Texas before adding them to the Master

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			Recommendation 3: In general, I would agree some Generalist credentialed interpreter's with legal training are suitable alternatives if a Court Certified interpreter is not available with verification of due diligence by court staff. However, most Generalist credentialed interpreters are not suitable, unless their skills and abilities can be verified by a court certified ASL interpreter. The vast majority of county courts do not have staff ASL interpreters to rely on or other qualified staff. A Court Services Coordinator, Supervisor or Manager who know little to nothing about interpreting or the deaf community. They rely on unverifiable information a candidate provides stating they taken legal trainings. There is no verification process to see what they have learned or benefited from. There is no verification of their understanding of court processes, procedures, terminology, or strategies on how to interrupt a court to obtain clarification, repetition, or to place a correction of their interpretation on the record. An analogy I like to use for Registry of Interpreter's for the Deaf membership status' is directly correlated with the process of obtaining a driver's license in any state in the United States. To obtain a driver's license one must follow certain steps. This is similar to obtaining a certification as an ASL interpreter. There are four general categories for RID memberships, such as: Student (think of driver's education class), Associate (think	List. Persons who possess the BEI and are added to the Master List through reciprocity will not need to reapply for reciprocity at the end of the four-year period, assuming that they remain in good standing. Recognition of persons with a generalist ASL credential would be a future CIAP project, which would entail input from stakeholders including on training and portfolio requirements.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			of a learner's permit: should work under supervision of an experienced interpreter), Certified (think of a 16 year old who just received their license, Certified SC:L, the certification necessary for court interpreting (think similar to a Class A Commerical Driver's License). Would you trust a 16-year-old, who has a generalist license and took a few classes, but was not required to take a skills test to operate a big rig what hazardous materials on a congested California highway? I have witnessed courts rely on generalist credentialed with additional training before, both as an assigned interpreter and as an audience matter. Most generalist credentialed interpreters, even with training courses, are not prepared to be in a courtroom. Most courts do not have qualified staff to vet an interpreter. The Courts ignorance is not bliss. Don't get me wrong, there are many skilled Generalist credentialed interpreters in our community that may have taken a few trainings, but they are not prepared for a courtroom. When a person's life, liberty, and freedoms are at stake, the court has a responsibility to vet the interpreter they choose to assign to every person's matter. The State of California, The Judicial Council of California, and each County Court of California must do better and protect their litigants right to effective communication. Recommendation 4:	

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			I agree with the need for updated literature for both ASL and Certified Deaf Interpreters.	
8	Registry of Interpreters for the Deaf (RID) by Neal Tucker Director of Member Services & Government Affairs Alexandria, VA	AM	Summary: Overall, RID supports the recommendations made by the Court Interpreters Advisory Panel (CIAP) to the Judicial Council for the purpose of expanding the pool of qualified court interpreters within the state of California to ensure that minimum competency in services are delivered to diverse ASL litigants pending identified areas of question or concern are addressed and/or resolved. The Registry of Interpreters for the Deaf, Inc. (RID) was established in 1964 and incorporated in 1972 as a 501(c)(3) non-profit organization whose goal was to promote growth of the interpreting profession, advance the skills of individual interpreters, as well as advance the profession of interpretation of American Sign Language and English. In order to promote excellence in sign language interpreting, all interpreters should demonstrate the skills, knowledges, and abilities to interpret effectively in general and specialized settings by attaining appropriate certification and credentials [FN]. Recommendation 1: In the absence of an SC:L examination, RID supports the CIAP's recommended exemption to recognize the BEI Court Interpreter Certification for an initial period of four years provided that the CIAP assessed the	The committee thanks the commenter for their comment.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			psychometric validity, reliability, dependability, and legal defensibility of the examination and certification processes. RID does not have access to this information and therefore is not in a position to affirm the declaration by the CIAP that the BEI Court Interpreter Certification is “comparable” to the SC:L [FN]. Attachment 2 on the invitation to comment document outlines the distinctions between the SC:L and BEI examination processes. The distinctions reveal unique differences- especially in terms of certification maintenance. Recommendation 2: RID supports the recommendation of BEI Court Interpreter certification holders being added to the Judicial Council Master List. However, consideration must be given to the fact that no comprehensive searchable database/ registry exists for the BEI as it is licensed to states individually. RID has been made aware of the nuanced complexities this causes among consumers and even fellow interpreting practitioners. Without a comprehensive database/registry, individuals must search each state’s BEI database separately to verify an individual’s credentials. Additionally, the NAD-RID Code of Professional Conduct (CPC) has been adopted by Texas’ Department of Health and Human Services to govern its certificants [FN]. However, without a correlating system of accountability, such as RID’s Ethical Practices System (EPS) or a state regulatory	The BEI Public Interpreter Registry allows consumers to search for court interpreters and it indicates the state where they reside. If approved by the council, interpreters with the BEI who apply for reciprocity would be added to the Judicial Council Master List, which is also a searchable database. Regarding consumer protection, if an individual files a complaint against a Texas BEI certified court interpreter, the complaint would be sent to the Director of Deaf and Hard of Hearing Services Agency in Texas, and the Director will then conduct factfinding and may bring the complaint to the review of the BEI advisory board, as needed. Similarly, complaints regarding persons who possess the SC:L credential continue to be submitted to RID, which is the certifying body.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			system, there is no opportunity for consumers of interpreting services to seek justice against individuals who violate the CPC. All RID members are subject to the jurisdiction of the EPS and are required to adhere to the tenets of the CPC. <i>Interpreters who are not members of RID cannot be subject to the EPS. If an interpreter who is not a member of RID violates the CPC they cannot be held accountable by the EPS.</i> Recommendation 3: RID recognizes that the moratorium on SC:L testing and certification has had deleterious effects. However, the moratorium was necessary to ensure that psychometric validity, reliability, dependability, and legal defensibility was beyond reproach. In September of 2022, the RID Legal Credentialing Taskforce submitted recommendations to the RID Board of Directors attesting to the need for reintroducing a legal interpreting credential. Since then, RID has investigated numerous routes to achieve this and is optimistic that the development of the SC:L is on the horizon for our organization. We are cautiously confident that we have the staff, the expertise, operational systems, and appropriate policies and procedures in place to administer the SC:L credentialing program for RID members	

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Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			who hold generalist certification from RID (e.g. the CDI and NIC). RID is also positioning itself to create a wall of autonomy between members of RID and all certification and related activities to prevent any undue influence on certification activities, costs, policies, or procedures - especially to prevent any conflict of interest or self-serving directives from members on our certification activities. This wall of autonomy would be in place to prevent any potential disruption to certification activities going forward and is in alignment with the National Commission for Certifying Agencies (NCCA) accreditation standards. RID is in need of financial resources to restore the SC:L certification program, including initial funds for exam development, reserves for ongoing maintenance, and savings for future iterations of the SC:L. The total costs range from ~\$520,000.00 to ~\$825,000.00. This is an opportunity for collaborative and ongoing partnership with stakeholder organizations to provide financial support for restoring the SC:L certification program for protection of all consumers of legal interpreting services. An investment into the development of the exam will mitigate the need for the CIAP to devise a mechanism by which to confer approval to generalist certification holders for court interpreting in California.	As a potential long-term solution, California is supportive of RID's efforts to develop and relaunch a national ASL court interpreter examination, so that the examination is widely accessible. However, the council cannot commit funding resources towards general development efforts.

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Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

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			Recommendation 4: RID supports recommendations that increase the number of qualified legal interpreters. RID emphasizes the crucial importance of psychometric validity, reliability, and legal defensibility in congruence with NCCA standards for any program CIAP may identify and recommend to the Judicial Council for consideration. RID offers its availability to meet in order to answer any questions or assist with resolving any concerns or issues.	
9	Hon. Victor A. Rodriguez, Associate Justice, California Court of Appeal, 1st Appellate District San Francisco, CA Co-chair, Advisory Committee on Providing Access and Fairness (PAF); Chair, PAF Language Access Subcommittee	A	I write in support of proposal no. SP23-01. The proposal is urgently needed to expand the number of qualified American Sign Language (ASL) court interpreters. Many court users throughout the state rely on ASL interpreters to be able to meaningfully participate in our court system and enjoy access to justice -- especially self-represented litigants. It is important to address the present lack of an approved testing entity for certification, to offer reciprocity to interpreters certified elsewhere, and to think about potentially certifying others with ASL generalist credentials. All of these steps are necessary to address the diminishing number of ASL court interpreters.	The committee thanks the commenter for their comment. Access to justice and qualified court interpreters are priorities for CIAP.
10	Nichola Schmitz Santa Rosa, CA	AM	Please include Certified Deaf Interpreters in the proposal for getting their BEI to show they are qualified to interpret in court.	The committee thanks the commenter for their comment. CDIs are eligible to take the BEI. CDIs who also possess the BEI credential may apply to be added to the Judicial Council's Master List.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
11	Superior Court of Riverside County by Susan Ryan, Chief Deputy of Legal Services	NI	New requirements for ASL Court Interpreters Does the proposal appropriately address the stated purpose to increase the number of qualified ASL court interpreters for California in a cost-effective manner? Courts are currently challenged with scarce resources, and creating a path for aspiring court interpreters to become qualified, is critical. Approving the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as a testing entity and allowing reciprocity can expand the pool of qualified interpreters for California courts over time. At present, the majority of interpreters on the BEI registry are listed as residents of Texas or other states. To see an immediate increase in interpreter resources, the current pool would need to be willing to work in California courts, and travel for in person assignments. Having interpreters available in person is necessary for assignments that are not appropriate for remote (e.g. long cause hearings, complex matters and juror assignments). However, courts would need to consider the financial impacts of securing out-of-state interpreters, which could discourage use and limit courts to the existing local pool. In terms of increasing local resources, the proposal could pose some barriers for California residents due to the distance and	The committee thanks the commenter for their comment, especially regarding court needs.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			travel required to take the Texas BEI examination. Providing a California examination would be ideal for California residents, who are more likely to be available on a regular basis. Being that this is not an option at this time, the recommendation to explore alternatives to potentially certify individuals with ASL generalist credentials to work in the courts, can be a beneficial approach to increasing qualified resources for in person services. What would the implementation requirements be for courts- for example, if applicable, training staff (please identify position and expected hours of training), revising processes and procedures (please describe) or additional costs? The proposal does not address whether courts would need to follow a hiring order when securing court certified interpreters from the master list, and whether an SC:L certification is preferred over the BEI certification. This information is needed. <u>As it relates to costs:</u> An increase in hiring out-of-state interpreters would increase contractor costs and take additional staff time to secure resources and negotiate rates and expenses. Additionally, many noncertified ASL interpreters currently require rates above what is prescribed in the payment policy for court certified interpreters. It is anticipated that	If approved by the council, it is recommended that there be no preference in hiring order or whether courts must first use an SC:L over a BEI certification. This practice would be akin to reciprocity granted for spoken certified languages, where there is no preference order.

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ITC SP23-01

Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			these rates will increase with the additional credentials. <u>Additional requirements would be to:</u> • Notify staff of the changes and provide training if needed. • Update reference guides and training manuals. • Contact newly certified court interpreters, negotiate rates, and establish independent contractor agreements. How well would this proposal work in courts of different sizes? Courts with locations that span over a large area are challenged with sharing resources and require more interpreters to meet the needs of the public in each area. A significant increase to the pool is required to meet those needs. How would this proposal address state and regional needs, including the development of additional options for courts to expand the availability of ASL interpreters? ASL is one of the top languages needed in California and developing a certification examination in state would serve our courts well. The proposal for CIAP to create alternative paths for ASL generalists to become qualified through court specific training methods can be a good alternative to	The National Center for State Courts (NCSC), under contract with the Language Access Services Program, developed an online course that will be available for ASL court interpreters who wish to work in the California courts. The course is anticipated to be available in early 2024. Findings from the NCSC research, including focus group findings, helped inform this course and will help inform future training efforts. The committee appreciates the comment that “[t]he proposal for CIAP to create alternative paths for ASL generalists to become qualified through court specific training methods can be a good alternative to expanding the pool of in-person interpreters for the state and each region.” As noted in responses above, work

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ITC SP23-01**Court Interpreters: New Requirements for American Sign Language (ASL) Court Interpreters**

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			expanding the pool of in-person interpreters for the state and each region.	on potential recognition of ASL generalist credentials will be a future CIAP project.
12	Theresa (no last name provided) Pasadena, CA	N	need the interpreters to prove up a bond and if they took an oath to uphold the united states constitution and the california constitution. Reveal if the interpreter is an officer of the court.	The committee thanks the commenter for their comment. Interpreters who are added to the Master List must follow the ethical and legal obligations required of all interpreters.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.



Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons

January 1, 2024



Judicial Council of California

Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons

Preamble

Evidence Code section 754 requires that in any civil or criminal action—including any action involving a traffic or other infraction, juvenile court proceeding, proceeding to determine the mental competency of a person, or administrative hearing where a party or witness is a deaf or hard-of-hearing person and that person is present and participating—the proceeding shall be interpreted in a language that the deaf or hard-of-hearing person understands by a qualified interpreter appointed by the court or other appropriate authority. A “qualified interpreter” is defined as “an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hard of hearing.” (Evid. Code, § 754(f).)

Evidence Code section 754 further requires the Judicial Council to establish guidelines under which it will determine which testing organizations, agencies, or educational institutions will be approved to administer tests and certify court interpreters for deaf and hard-of-hearing persons and provides that an initial approval of testing entities shall occur before July 1, 1992. The Judicial Council, therefore, establishes the following guidelines.

In these guidelines, the term “certified court interpreter” is used to mean a sign language interpreter who is certified to interpret in court proceedings. “Certifying organization” refers to the entity under whose auspices the evaluation of applicant interpreters is conducted. “Evaluating panel/board” refers to the persons who rate the applicant interpreters. Oral interpreting, services to hard-of-hearing individuals such as assistive listening devices, interpreting for deaf/blind individuals, and other forms of communicative assistance to persons with hearing disabilities are not covered by these guidelines.

Guidelines

1. Structure and Administration of Evaluating Panels/Boards

- A. The evaluating panel/board and its processes shall be administratively independent of the certifying organization in the testing and certification of individual applicants—that is, the panel/board shall be free of influence from any external sources on decisions affecting the test results and certification of interpreters.
- B. The certifying organization in all its processes shall not discriminate among applicants for certification as to age, sex, race, religion, national origin, disability, sexual

orientation, or marital status and shall include statements on nondiscrimination in every announcement of the certification program. The certifying organization shall provide for access and reasonable accommodation to the testing process for persons with disabilities.

- C. The certifying organization shall possess the knowledge and experience necessary to conduct the testing and certification of court interpreters.
- D. The certifying organization shall have a formal procedure for the selection of evaluating panel/board members. That procedure must include input from certified interpreters and deaf individuals who possess the knowledge and experience required for that purpose.
- E. The certifying organization shall have formal procedures for training of evaluating panel/board members to ensure the consistency of their evaluation over time.
- F. The evaluating panel/board shall include, but not be limited to:
 - 1. A majority of members who are deaf and possesses the knowledge and experience necessary to evaluate court interpreters for deaf persons;
 - 2. Certified interpreters who may themselves be court interpreters or intermediary court interpreters (as defined in Evid. Code, § 754) and possess the knowledge and experience necessary to evaluate court interpreters for deaf persons; and
 - 3. A judge or member of the State Bar of California.
- G. The certifying organization shall hold testing at reasonable cost to the applicant interpreter and with sufficient frequency and diversity of location to ensure that there is reasonable opportunity and accessibility for individuals in all parts of the state to be tested and certified.
- H. The certifying process shall have and maintain:
 - 1. Competence-based standards of performance;
 - 2. A clear process for determining the pass-fail standard for certification and cutoff scores on tests; and
 - 3. An established procedure for the regular and timely review and adjustment of these standards of performance, utilizing input from interpreters, deaf and hard-of-hearing persons, court personnel, and research sources.
- I. The certifying organization shall maintain the confidentiality and integrity of the testing process, including test materials, scoring information, and other sensitive information. The certifying organization shall have a procedure to regularly update, rotate, reformulate, or alter test materials to guarantee that the confidentiality of test items, tapes, scripts, and other materials is protected and that the materials are new to those applicants who are being tested.

- J. On completion of testing, the certifying organization shall issue to qualified interpreters a certificate that clearly identifies the interpreter as certified to interpret in court by this organization and the period of time covered by the certification.
- K. The certifying organization shall furnish to the Judicial Council a list of those interpreters who are certified to interpret in court proceedings and shall keep this list up to date by immediately informing the Judicial Council of any additions or deletions to this list.
- L. If the certifying organization plans to include in this list those interpreters who were certified to interpret in court proceedings by the organization before the effective date of approval by the Judicial Council to certify court interpreters under these guidelines, the certifying organization shall have a clear and reasonable procedure to do so. This procedure must ensure that interpreters so included meet the competency and knowledge requirements of the certifying organization as approved under these Judicial Council guidelines.
- M. The certifying organization shall have an established and reasonable procedure for assuring the continued competency of certified court interpreters through periodic assessment or other means. Such a certification maintenance process must include efforts by the certifying organization to enhance continued competence of the individual. If continuing education is used as a means of ensuring continued competency, the certifying organization may not require interpreters to enroll in its own education or training program.
- N. The certifying organization shall promptly report certification results to applicants.
- O. The certifying organization shall have and publicize the existence of a reasonable grievance and appeal process for certification applicants who question the certification or testing process, test results, or eligibility for testing.
- P. The certifying organization shall have and publicize the existence of a reasonable complaint process for the public to use in addressing discipline of those holding certificates, including revocation of certification for conduct that clearly indicates incompetence, unethical behavior, and physical or mental impairment affecting performance.
- Q. The certifying organization shall also furnish to the Judicial Council a list of community organizations and contacts that can serve as resources to the court in facilitating the legal process where certified sign language court interpreters are involved.

2. Certification Testing and Test Content

- A. The certification process, including tests and testing procedure, shall be objective, fair, and free of test bias (including, but not limited to, bias as to age, sex, race, religion, national origin, sexual orientation, culture, or class).
- B. The certification process, including tests and testing procedure, shall be directly based on the knowledge and skills needed to function as an interpreter in court proceedings.
- C. Tests and testing processes shall be standardized and nondiscriminatory and shall be shown to be both reliable and valid (particularly relative to the certified court interpreter's subsequent ability to perform in court proceedings) under generally accepted procedures for establishing the validity and reliability of tests.
- D. The certifying organization shall clearly state, and publish in a manner reasonably certain to provide adequate notice to applicants, the certification and testing criteria and the requirements used to certify court interpreters, including information about the competencies required, the level of competency required, and how these competencies are determined.
- E. The certifying process shall be comprehensive in testing for all aspects of the court interpreting process, including:
 - 1. Translation and transliteration competency, which includes:
 - a. American Sign Language competency;
 - b. English language competency; and
 - c. Competency in interpreting language and terminology common to court proceedings;
 - 2. The role, function, and understanding of techniques for working *with* a relay interpreter or other intermediaries or for working *as* a relay interpreter;
 - 3. Understanding of social, cultural, and linguistic aspects of the local, state, and national communities of deaf people;
 - 4. The role and function of court interpreters, including court etiquette;
 - 5. The various court proceedings that commonly and frequently require use of an interpreter or interpreters; and
 - 6. A code of conduct and professional ethics.
- F. If, in addition to testing for the above, a certifying organization establishes education and training requirements that an interpreter must have before certification (such as a high school diploma or college degree), there must be a direct correlation between these requirements and an interpreter's ability to perform in court proceedings. A certifying organization may not require an interpreter to take its own education or training program as a prerequisite to testing or certification.

3. Application to the Judicial Council for Approval to Certify Court Interpreters and Maintenance of Standing

- A. The certifying organization shall provide to the Judicial Council all evidence required to document compliance with these guidelines.
- B. The certifying organization shall advise the Judicial Council of any substantive changes in the structure and administration of the certification process, including any substantive changes in testing techniques or testing content. The certifying organization, agency, or institution shall provide any information about the certification process to the Judicial Council on request.
- C. An approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at four-year¹ intervals after initial approval.
- D. An approved certifying organization shall provide evidence of continued compliance with these guidelines before the mandated four-year interval.
- E. The Judicial Council may suspend or revoke its approval of a certifying organization or place conditions on continued approval, if such action is deemed necessary to ensure the quality and/or integrity of court interpreting or this approval process.

4. Exemptions in Critical or Unusual Circumstances

- A. Effective January 1, 2024, the council approved allowing for exemptions for adherence to these guidelines in critical or unusual circumstances for a period of four years to assure that certified ASL court interpreters are available to provide services in California. This allowance may include recognition of another state's testing program, provided that the council can verify that the testing entity is qualified to administer tests to court interpreters for the deaf or hard-of-hearing.²

¹ On December 15, 2009, the Judicial Council adopted the recommendation to revise guidelines 3.C and 3.D of the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* to require the review of approved certifying organizations from every two years to every four years.

² On November 17, 2023, the four-year exemption, effective January 1, 2024, was approved by the council. Under the exemption, the council also approved the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for ASL court interpreter certification temporarily for a period of four years, effective January 1, 2024.

SC:L and BEI Court Interpreter Certification Information

BEI Court Interpreter Exam Information:

Application Fee: \$50

Court Interpreter Written Exam (prerequisite): \$100

Court Interpreter Performance Test: \$185

The following table includes comparative information for the RID SC:L and the [BEI](#) court interpreter performance exams.

Exam Information	RID Specialist Certificate: Legal (Performance Exam)	BEI Court Interpreter Certification (CIC) Exam (Performance Exam)*
Stated Purpose	Tested for the demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system	To ensure that interpreters meet the minimum proficiency standards established by the BEI for successfully discharging the responsibilities of a state-certified interpreter
Testing Format	Performance, recorded via video, with supplemental written materials	Performance, recorded via video
Content Covered	Exam that included four vignettes: (1) Miranda Warning, (2) Courtroom Scene, (3) Interpreter Qualification, and (4) Jury Instructions	Six sections: (1) Consecutive (spoken Eng. to/from ASL), (2) Simultaneous (spoken Eng. to ASL), (3) Simultaneous (spoken Eng. to ASL), (4) Simultaneous (ASL to spoken Eng.), (5) Consecutive (spoken Eng. to/from ASL), (6) Sight Translation (written Eng. to ASL)
Length	Warm-up: 75 minutes; test: 75 minutes; typically two hours, but not to exceed three hours total	Total: Approx. 68 min (includes time for introductions, warm-ups, and instructions)
Rating/Scoring	Candidate performance was rated according to descriptors for each behavioral scale used for each test section. Examples included Syntax, Nonmanual Markers, Phrasing, Neutrality, Integrity of Message, Variation in Interpretation, Affect, Fluency, Recovery/Repair, Register, and Mannerisms.	Interpreting proficiency is measured through scoring units, which are rated objectively according to a scoring dictionary that is updated as novel responses are encountered. Delivery, Adaptability, and Pronunciation/Fluency are judged holistically using a three-point scale, where 1=does not meet expectations, 2=meets expectations, and 3=exceeds expectations.

* Texas Dept. of Assistive and Rehabilitative Services, *Study Guide for BEI Court Interpreter Performance Test Candidates* (2015), www.hhs.texas.gov/sites/default/files/documents/about-hhs/leadership/advisory-committees/bei/BEICourtStudyGuide.pdf. At page 11, the guide notes that the BEI Court Interpreter Performance Test simulates actual interpreted proceedings. Candidates are asked to render the information in the same manner as if they were working as an interpreter. All materials must be interpreted so that the intent, tone, and language level of the speaker, signer, or document are conveyed without distorting or omitting any of the meaning of the original message in the source language, which is essential for court interpreting.

The following table shows continuing education unit (CEU) requirements for the two examinations:

SC:L CEU Requirements	BEI CIC CEU Requirements
• Complete 80 contact hours, with a minimum of 60 hours in professional studies. • Of the 60 hours in professional studies, 20 must be in legal interpreting topics. • Complete requirements every four years.	• Maintain 60 hours of interpreting-related topics for generalist credential. • Twenty hours must be in court-related topics, 20 hours in ethics-related topics. • Complete requirements every five years.

ASL Generalist Examinations Accepted by Some States

ASL Generalist Examinations Accepted by Some States
RID Comprehensive Skills Certificate (CSC)
RID Certificate of Interpretation (CI) AND Certificate of Transliteration (CT)
RID Certified Deaf Interpreter (CDI) Certification
Master Comprehensive Skills Certificate (MCSC)
National Interpreter Certification (NIC) level
NIC Advanced level
NIC Master level
National Association of the Deaf (NAD) III (Generalist)
NAD IV (Advanced)
NAD V (Master)

Additional Information Obtained by Judicial Council Staff From Texas Staff

1. Do other states need to enter into any kind of legal or other type of agreement regarding the process to allow their candidates to test in Texas?

There is no need to enter into any kind of legal agreement.

To sit for the Texas BEI court performance test, the candidate must meet our established [eligibility requirements](#) for court certification.

An applicant must already be BEI certified at the Advanced or Master level or hold a RID certification (Comprehensive Skills Certificate, Certificate of Interpretation/Certificate of Transliteration, Reverse Skills Certificate, Certified Deaf Interpreter, Master Comprehensive Skills Certificate, National Interpreter Certification Advanced, or National Interpreter Certification Master).

In addition, the applicant must have passed the court interpreter written test before being eligible to sit for the signing/performance test.

If the candidate does not have RID or BEI certification (Advanced or Master level), the candidate may opt to pursue BEI general certifications. The general certification process includes a written exam (Test of English Proficiency) and then a performance test (Basic, Advanced, and Master). For out-of-state candidates seeking a Texas BEI general certification, we have a couple of options. A candidate can choose to apply for and schedule a TEP written test first (traveling to a designated testing site within Texas), then upon passing, apply to take the performance test (traveling to Austin, Texas). A second option is to join a waitlist for a special two-day, back-to-back testing session (TEP one day, performance test the next day). We try to offer these special testing sessions in Austin twice a year (often around March and August).

To take the court performance test only (assuming prerequisites are met), one would need to contact BEI at dhhs.bei@hhs.texas.gov to begin the application process.

2. Can Texas waive its requirement that the Written Examination be taken in Texas if an interpreter has taken and passed the California Written Examination (which is the standard National Center for State Courts' Written Examination)?

Yes, NCSC has confirmed that the Texas written examination is the same NCSC written examination administered in California. The candidate will need to send a copy of the written examination test results to the BEI office when scheduling the court performance test.

3. Would ASL interpreters who pass the Texas BEI certification be responsible for reporting their continuing education requirements to Texas?

Yes, the interpreter would need to comply with our CEU requirements to maintain their certification. Our policy manual covering eligibility, training requirements, renewal process, and the like can be found [here](#).

4. What if there was a complaint regarding the performance of an ASL court interpreter? Is there a complaint process in Texas, or would the state where the complaint occurred be responsible?

If an individual files a complaint against a Texas BEI-certified court interpreter, the complaint would be sent to the director of the Texas Office of Deaf and Hard of Hearing Services. The director would then conduct fact-finding and may bring it to the BEI advisory board for review, as needed.

5. How often does Texas administer the ASL court interpretation examination each year?

There's no time set aside to administer only the court test; it's scheduled in queue in the order applications come in.

6. What is the usual time frame from taking the test to receiving results?

Typically, it is a 90-day turnaround.