



JUDICIAL COUNCIL
OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

www.courts.ca.gov/accessfairnesscomm.htm
accessfairnesscomm@jud.ca.gov

ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

MINUTES OF OPEN MEETING

February 16, 2023

12:15-1:15 p.m.

Via Zoom

Advisory Body Members Present:	Hon. Kevin Brazile, Hon. Victor Rodriguez, Morgan Baxter, Hon. Manuel Covarrubias, Hon. Mark Cullers, Hon. Judith K. Dulcich, Ana Maria Garcia, Hon. Amy K. Guerra, Janet Hudec, Hon. Clare Keithley, Hon. Victoria Kolakowski, Nina Magno, Hon. Lia Martin, Lawrence Meyer, Kemi Mustapha, Michael Powell, Hon. Terry Truong, Twila White.
Advisory Body Members Absent:	Hon. Sue Alexander (Ret.), Hon. Mary Greenwood, Hon. Sunil R. Kulkarni, Hon. Richard Y. Lee, Shirley Luo, Hon. Elizabeth Macias, Julie Paik, Andrea Pella, Fariba R. Soroosh.
Others Present:	Hon. Louis Mauro, Hon. Monica Wiley, Greg Tanaka, Cristina Resendiz-Johnson, Robert Wiseman, Amanda Morris, Lisa Chavez, Douglas Denton, Aviva Simon.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:16 p.m.

Approval of Minutes

The advisory body approved the open session minutes of the October 20, 2022, Advisory Committee on Providing Access and Fairness meeting. Motion to approve by Lawrence Meyer and seconded by Judge Victoria Kolakowski. The motion carried.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1

Welcome to the New Lead Staff and New Committee Members (No Action Required)

Presenters: *Hon. Victor A. Rodriguez, Associate Justice of the Court of Appeal, First Appellate District, Division Three and Hon. Kevin C. Brazile, Judge of the Superior Court, County of Los Angeles, and Co-chairs of the Advisory Committee on Providing Access and Fairness*

Judge Brazile introduced the new PAF lead staff/counsel, Cristina Resendiz-Johnson. Justice Victor Rodriguez introduced the two new PAF committee members, Nina Magno and Kemi Mustapha.

Item 2

Highlights from the December 2, 2022, Judicial Council Meeting and Presentation on the 2021 Judicial Diversity Summit Recommendations (No Action Required)

Presenter: Hon. Kevin C. Brazile, Judge of the Superior Court, County of Los Angeles, and Co-chair of the Advisory Committee on Providing Access and Fairness

Judge Brazile gave the committee a recap of the December 2, 2022, Judicial Council meeting where he and Justice Rodriguez presented the 2021 Judicial Diversity Summit Recommendations. The council accepted the report and approved all the recommendations. Judge Brazile summarized the next ongoing actions and efforts to implement the Summit recommendations.

Item 3

Update on the 2023 Annual Agenda (No Action Required)

Presenters: Ms. Cristina Resendiz-Johnson, Attorney, Center for Families, Children & the Courts and Ms. Lisa Chavez, Supervising Analyst, Center for Families, Children & the Courts

Cristina updated the committee on the status of the 2023 PAF Annual Agenda draft. It should be finalized and approved for posting by March 2023. Cristina gave a recap of the 5 ongoing projects. Lisa then gave a summary of the new implementation project, titled Public Outreach for the Online California Courts Self-Help Guide.

Item 4

2023 Judicial Council Advisory Body Nominations (No Action Required)

Presenter: Hon. Victor A. Rodriguez, Associate Justice of the Court of Appeal, First Appellate District, Division Three and Co-chair of the Advisory Committee on Providing Access and Fairness

Justice Rodriguez informed the committee that the Advisory Body nomination period is open. Members whose terms end this September were contacted by Cristina via email. The online submission link was provided to everyone. Judge Kolakowski asked if all members could have their information sent to them individually. Cristina confirmed she would do so via email.

I. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:36 p.m.

Approved by the advisory body on **enter date**.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SP23-01

Title

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

Action Requested

Review and submit comments by May 26, 2023

Proposed Rules, Forms, Standards, or Statutes

Not applicable

Proposed Effective Date

September 20, 2023

Proposed by

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

Contact

Douglas G. Denton, 415-865-7870
douglas.denton@jud.ca.gov
Cynthia Miranda, 415-865-8909
cynthia.miranda@jud.ca.gov

Executive Summary and Origin

To increase the number of qualified American Sign Language (ASL) court interpreters for California in a cost-effective manner, the Court Interpreters Advisory Panel (CIAP) proposes that the Judicial Council approve the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as a testing entity for ASL court interpreter certification for a period of four years and add to the Judicial Council Master List of Interpreters holders of the Texas BEI Court Interpreter Certification who apply for reciprocity. CIAP also proposes the council direct CIAP to undertake further work and develop a future proposal for the council to potentially certify persons with ASL generalist credentials to perform work in the courts, which may include California court-specific training requirements; and direct CIAP to propose 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.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Background

In accordance with California Rules of Court, rule 10.51, the Court Interpreters Advisory Panel makes recommendations to the Judicial Council regarding the "...certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters."¹

With the enactment of SB 2046 (Stats. 1990, ch. 1450), California Evidence Code section 754 required the Judicial Council to undertake a public process to develop guidelines for the approval of testing entities for the certification of court interpreters for the Deaf and hard-of-hearing and to approve one or more entities to certify these interpreters for work in the California courts. These guidelines were initially developed and approved on February 21, 1992. The current *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (Guidelines) were last updated in 2009 (see Attachment 1).

On November 5, 1996, the Judicial Council provisionally 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 (RID).² Final approval of these entities was given on April 24, 1998.

Formal reviews of the certifying entities were undertaken in 1999, 2006, 2009, and 2013. On October 20, 2006, CIAP recommended the removal of CCASD as an authorized entity as they were no longer testing and certifying interpreters, and the retention of RID as an authorized entity. The 2006 review also noted the development by RID of the Specialist Certificate: Legal (SC:L) certification for American Sign Language, which is a legal specialist certification for sign language interpreters.

On December 15, 2009, the Judicial Council reauthorized RID as an approved entity for testing and certification of ASL court interpreters for another four years. This review also included revisions to the guidelines and a proposal to extend the review from every two years to every four years.

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

¹ California Rules of Court, rule 10.51, available at: https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_51.

² The *Registry of Interpreters for the Deaf (RID)* is a leading organization in the area of best practices and professional development in ASL interpreting services whose mission is to establish a national standard of quality for interpreters and transliterators.

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

California, like many other states, has a need for more qualified ASL court interpreters. The Judicial Council’s *2020 Language Need and Interpreter Use Study* indicated that ASL is the third most frequently interpreted language in court proceedings in the state, with 38,460 interpreted events reported between FY 2014–15 and FY 2017–18. However, recent outreach conducted by the Court Interpreters Program (CIP) unit determined that only 31 of 55 ASL court interpreters on the [Judicial Council’s Master List of Interpreters](#) (Master List) are self-reported as active (26 are active with SC:L, and five are active with a formerly offered California credential).

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 non-testing 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 non-testing ASL credentialing options used by other states, and the 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 d/Deaf and hard-of-hearing (DHH) communities.⁴ 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 Judicial Council of California for possible ASL court interpreter trainings.

While 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 interpreter. In response to the RID moratorium on testing for SC:L certification, these states have adopted additional testing and non-testing options to certify ASL interpreters for work in the courts in their states.⁵

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)

⁴ “[T]he 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/>); “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, in *Deaf in America: Voices from a Culture* (1988),

<https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>)
⁵ See CIAP meeting materials at https://www.courts.ca.gov/documents/032922_ILAS_Open_Mtg_Materials.pdf and https://www.courts.ca.gov/documents/091322_ILAS_Open_Mtg_Materials.pdf.

lower classification tiers for ASL court interpreters with ASL generalist (not-court interpreter-specific) credentials. Models differ with regard to the recognition of the Texas 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 discussed that California may be able to address the current shortage of ASL court interpreters by developing a two-prong approach that would first address immediate needs by allowing recognition of the SC:L and holders of the Texas BEI Court Interpreter Certification through reciprocity to expand the number of available ASL court interpreters, and second, to continue further development by CIAP to create a pathway in California for interpreters with a generalist ASL credential to receive legal training and complete portfolio requirements in order to receive a court-qualified status, enabling them to work in the courts.⁶

The Proposal

CIAP recommends that the Judicial Council:

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.

The Texas Board of 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. Upon 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 2). Given that the Texas BEI is the only available certifying program, CIAP proposes that the

⁶ Interpreters for the Deaf and hard-of-hearing are governed under California Evidence Code 754. Subsection (f) of the code allows the council to designate testing entities for ASL court interpreters: “(f) 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.” Thus, the council may recognize the Texas Office of Deaf and Hard of Hearing Services (DHHS) as qualified to administer tests to court interpreters for individuals who are Deaf or hard-of-hearing.

Judicial Council approve minor and temporary revisions to the Guidelines allowing exemptions in critical circumstances to assure that certified ASL court interpreters are available to provide services in California. CIAP will monitor progress and determine whether to recommend the exemption be modified or extended prior to the end of the four-year exemption period.

Recommendation 2 – Add to the Judicial Council Master List holders and passers of the Texas BEI Court Interpreter Certification who apply for reciprocity.

There are approximately 150 ASL court interpreters who 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 reciprocity, California would also be able to expand its pool of qualified ASL court interpreters to assist litigants with in-person or remote interpretation.

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.

Recognition of persons with an ASL generalist credential is an issue that will require further development by the CIAP. Other ASL court interpreter credentialing options include the recognition of ASL generalist exams that are not court-specific, but that indicate an interpreter has requisite skills for interpretation in other settings. Attachment 3 contains a table with examples of specific generalist ASL credentials that are accepted by other states.

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

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 solutions permitted by other states, such as lower classification tiers for ASL court interpreters with ASL generalist (not court interpreter-specific) credentials. As noted, these 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 also creates a pathway for persons to seek ASL court interpreter certification in the future.

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

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.

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 1990’s when there were available ASL court interpreter testing entities in California. The guidelines, last updated in 2009, were approved by the council and were based on business needs and testing requirements at that time. They include staff interaction with and expectations for ASL court interpreter testing entities that administered ASL court interpreter examinations in California.

Due to changes in business practice and the current testing landscape, the guidelines no longer align with the ability to provide continued administration, Judicial Council staffing, or expectations for an outside entity that is not under contract with the council (e.g., “The certifying organization shall provide to the Judicial Council all evidence required to document compliance with these guidelines.”). NCSC used publicly available information and CIP conducted direct outreach to administrators of the Texas program to confirm certain key elements of their testing program (see Attachments 2 and 4). 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), in order to verify that the testing entity meets minimum requirements for recognition of an ASL court interpreter testing program.

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, current funding and staffing resources for the Judicial Council’s Language Access Services Program cannot support the development, piloting, launch, ongoing maintenance and evaluation, and staffing necessary for the administration of a California examination for ASL court interpreters.

Fiscal and Operational Impacts

Approval of the Texas BEI as a certifying entity would not result in any cost to the courts or council. Courts would be able to hire persons that have either the SC:L or Texas BEI credential, which will help to expand the pool of qualified interpreters that can serve ASL litigants.

NCSC is currently under contract with the Language Access Services Program to develop an online course that will be available for ASL interpreters who wish to work in the California courts. The course is anticipated to be available later in 2023. Findings from the NCSC research, including focus group findings, will help inform this course and future training efforts.

Staff confirmed that Texas will recognize persons that have passed the California Written Examination, which is a prerequisite for the Texas BEI Court Interpreter credential. The Written Examination in English for potential interpreters is the same NCSC examination whether administered in Texas or California, so persons who have taken and passed the Written Examination in California will not need to retake the Written Examination in Texas. Persons interested in taking the Texas BEI Court Interpreter examination will need to schedule and travel to Texas to take the required examination(s). See Attachment 4 for additional information that Judicial Council staff obtained from Texas staff.

Judicial Council staff would need to create an application form for adding persons with the Texas BEI credential through reciprocity to the Judicial Council Master List of Interpreters, as well as develop information 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 for ASL court interpreters that are on the Master List. Fees collected will be deposited to 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 Judicial Council staff time to develop a new process for the authorization of testing and certification entities for ASL court interpreters.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory panel is interested in comments on the following:

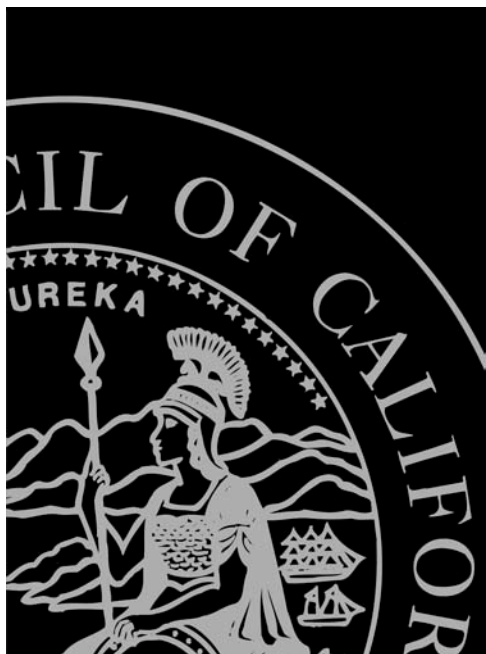
- Does the proposal appropriately address the stated purpose to increase the number of qualified ASL court interpreters for California in a cost-effective manner?

The advisory panel also seeks comments from *courts* on the following cost and implementation matters:

- 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?
- How well would this proposal work in courts of different sizes?
- How would this proposal address state and regional needs, including the development of additional options for courts to expand the availability of ASL interpreters?

Attachments and Links

1. *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* (2009)
2. SC:L and BEI Court Interpreter Certification Information
3. Table: ASL Generalist Examinations Accepted by Some States
4. Additional Information Obtained by Judicial Council Staff from Texas
5. Link: *2020 Language Need and Interpreter Use Study*,
<https://www.courts.ca.gov/documents/2020-Language-Need-and-Interpreter-Use-Study-Report-to-the-Legislature.pdf>



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



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

Except as permitted under the Copyright Act of 1976 and as otherwise expressly provided herein, no part of this publication may be reproduced in any form or by any means, electronic or mechanical, including the use of information storage and retrieval systems, without permission in writing from the copyright holder. Permission is hereby granted to nonprofit institutions to reproduce and distribute this publication for educational purposes if the copies credit the copyright holder. Please address inquiries to the address listed below.

Printed on 100% recycled and recyclable paper

Contact:

Lucy Smallsreed

Manager

Court Interpreters Program

Judicial Council of California - Administrative Office of the Courts

455 Golden Gate Avenue

San Francisco, CA 94102-3688

courtinterpreters@jud.ca.gov

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

The Judicial Council of California

Preamble

Evidence Code section 754 requires that in any civil or criminal action, including any action involving a traffic or other infraction or any juvenile court proceeding, or any proceeding to determine the mental competency of a person, or any administrative hearing, where a party or witness is a deaf or hard-of-hearing person and the deaf or hard-of-hearing 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 the deaf or hard-of-hearing.

Evidence Code section 754 further requires the Judicial Council to establish guidelines pursuant to 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 prior to 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 actual 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

I. 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 of 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 includes 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 which ensures the consistency of their evaluation over time.
- F. The evaluating panel/board shall include, but not be limited to all of the following:
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. Upon completion of testing, the certifying organization shall issue to qualified interpreters a certificate which 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 prior to 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 shall 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 which can serve as resources to the court in facilitating the legal process where certified sign language court interpreters are involved.

II. 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 as relates 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 all of the following:
 - 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 which 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 which an interpreter must have prior to 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.

III. 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 upon 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 prior to the mandated four-year interval at the discretion of the Judicial Council if evidence exists of noncompliance with these guidelines.
- 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.

On December 15, 2009, the Judicial Council adopted the recommendation to revise guidelines III(C) and (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.

Attachment 2: 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 Exam (Performance Exam)¹
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, video-recorded with supplemental written materials	Performance, video-recorded
Content Covered	Exam included 4 vignettes: (1) Miranda Warning, (2) Courtroom Scene, (3) Interpreter Qualification, and (4) Jury Instructions	Six sections: (1) Consecutive (spoken English to/from ASL), (2) Simultaneous (spoken English to ASL), (3) Simultaneous (spoken English to ASL), (4) Simultaneous (ASL to spoken English), (5) Consecutive (spoken English to/from ASL), (6) Sight Translation (written English to ASL)
Length	75 minutes for warm-up, 75 minutes for the test itself; typically lasts 2 hours, not to exceed 3 hours total	Total: Approx. 68 min (includes time for introductions, warm-ups, and instructions)

¹ A “Study Guide for BEI Court Interpreter Performance Test Candidates” (2015) is available at <https://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 s/he was working as an interpreter. All materials must be interpreted so that the intent, tone, and the language level of the speaker, signer, or document is conveyed without distorting or omitting any of the meaning of the original message in the source language, which is essential for court interpreting.

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, Mannerisms, etc.	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
-----------------------	--	--

The following table shows Continuing Education Unit (CEU) requirements for the two examinations:

SC:L CEU Requirements	BEI CIC CEU Requirements
<ul style="list-style-type: none"> • 80 contact hours with a minimum of 60 hours in professional studies • 20 of the 60 hours in professional studies must be in legal interpreting topics • Complete every four years 	<ul style="list-style-type: none"> • Maintain 60 hours of interpreting-related topics for generalist credential • 20 hours court-related topics; 20 hours ethics-related topics • Complete every five years

Attachment 3: ASL Generalist Examinations Accepted by Some States

ASL Generalist Examinations Accepted by Some States
RID Comprehensive Skills Certificate, or 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) levels
NIC Advanced
NIC Master
National Association of the Deaf (NAD) III (Generalist)
NAD IV (Advanced)
NAD V (Master)

Attachment 4: Additional Information Obtained by Judicial Council Staff from Texas

1. Do other states need to enter into any kind of legal agreement or other type of agreement regarding process with Texas 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), there is the option for candidates to pursue BEI general certifications. The general certification process includes a written exam (Test of English Proficiency) 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 and schedule their TEP written test first (traveling to a designated testing site within Texas), then upon passing, apply to take the performance test (requires travel 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).

However, for taking 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. A copy of the written examination test results will need to be sent by the candidate 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, etc. 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 Deaf and Hard of Hearing Services Agency in Texas and the Director will then conduct factfinding and may bring it to the review of the BEI advisory board, 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 timeframe from taking the test to receiving results?

Typically, it is a 90-day turnaround.