

Clearinghouse Rule 24-076

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 107-23, was published in Register No. 816A1, on December 4, 2023, and approved by State Superintendent Jill K. Underly on December 21, 2023.

The State Superintendent of Public Instruction hereby proposes an order to renumber and amend ss. PI 34.086 (2) (b) and (3) (b); and to create ss. PI 34.086 (2) (b) 2. and (3) (b) 2., relating to eligibility for 5-year educational interpreter licenses.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (c) and 115.76 (14), Stats.

Statutory authority: s. 115.28 (7) (c), Stats.

Explanation of agency authority:

Under s. 115.28 (7) (c), Stats., the State Superintendent has the authority to license and make rules for the examination and licensing of persons, including teachers, employed to provide publicly funded special education and related services, including interpreting services as provided under s. 115.76 (14) (a) 2., Stats.

Related statute or rule:

N/A

Plain language analysis:

The proposed rule seeks to amend ch. PI 34 of the Wisconsin Administrative Code with respect to eligibility requirements for the 5-year, renewable educational interpreter license. The proposed rule will clarify that evidence of work experience as an educational interpreter in a PK-12 setting may be accepted in lieu of the practicum requirement in order to be eligible for a license under s. PI 34.086 (2) (b) or (3) (b).

Summary of, and comparison with, existing or proposed federal regulations:

Section 300.34 (c) (4) of the Individuals with Disabilities Education Act defines interpreting services as a related service with respect to educating a child who is deaf or hard of hearing. Under the Act, interpreting services are taken to mean oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, transcription services, and special interpreting services for children who are deaf-blind.

However, because education in the United States is typically governed by each state and local government, the Act does not address how states administer the licensure of educational interpreters as a related service. As such, federal regulations are generally silent with respect to the licensure of educational interpreters and orientation and mobility specialists.

Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:

The Department held a preliminary public hearing and comment period on December 14, 2023, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: Under Ill. Admin. Code tit. 23 § 25.550, applicants for educational interpreter licensure, either as sign language interpreting or oral transliteration services shall meet one of the following criteria: 1) have completed 60 semester hours of college credit from one or more regionally accredited institutions of higher education; 2) hold an associate's degree issued by a regionally accredited institution of higher education; 3) hold a high school diploma or its recognized equivalent and have achieved the score identified as passing by the State Board on one of the examinations for paraprofessionals; 4) hold a high school diploma or its recognized equivalent and have passed the written examination administered by the Registry of Interpreters for the Deaf (RID); 5) hold a high school diploma and have passed the Board for Evaluation of Interpreters (BEI) Test of English Proficiency; or 6) hold a high school diploma and have achieved a level 2 or above on the Interpreter Skills Assessment Screening.

Additionally, applicants for sign language interpreter shall also have completed the following: 1) attained a rating of Level 3.5 or above on the Educational Interpreter Performance Assessment (EIPA); 2) maintained a valid certification from the RID; and 3) maintained a valid BEI Basic Certification or higher issued by a state that is a licensed user of the BEI system. Finally, applicants for oral transliteration also shall have attained Transliteration Skills Certification at Level 3 or above.

Iowa: Iowa Admin. Code rr. 645-361.2, applicants for educational interpreter licensure shall provide proof of one of the following to receive licensure: 1) passed the National Association of the Deaf/Registry of Interpreters for the Deaf (NAD/RID) National Interpreter Certification (NIC) examination after November 30, 2011; 2) passed the RID oral transliteration certificate or the certified deaf interpreter; 3) passed the EIPA with a score of 3.5 or above after December 31, 1999; 4) passed the Cued Language Transliterator National Certification Examination (CLTNCE) administered by The National Certifying Body for Cued Language Transliterator; 5) currently holds a NAD/RID NIC, NIC Advanced, or NIC Master awarded through November 30, 2011, by the National Council on Interpreting (NCI); 6) currently holds a Certificate of Interpretation (CI), Certificate of Transliteration (CT), Certificate of Interpretation and Certificate of Transliteration (CI and CT), Interpretation Certificate/Transliteration Certificate (IC/TC), or Comprehensive Skills Certificate (CSC), previously awarded by the RID; 7) currently holds a NAD III (generalist), NAD IV (advanced), or NAD V (master) certification, previously awarded by the National Association of the Deaf (NAD); or 8) currently holds an advanced or master certification awarded by the BEI.

Michigan: Under Mich. Admin. Code R. 393.5026, an educational interpreter working in an elementary school setting shall possess any of the following: 1) an EIPA performance score of 4.0 with an EIPA elementary endorsement, or if the EIPA 4.0 is first obtained after August 31, 2016, a passing score on the EIPA written test or a similar written test; 2) a recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education; or 3) a deaf interpreter credential and certification.

Additionally, an educational interpreter in a secondary school environment shall possess at least one of the following: 1) an EIPA performance score of 4.0, EIPA elementary or secondary endorsement and, if the EIPA 4.0 is first obtained after August 31, 2018, a passing score on the EIPA written test or a similar written test; 2) a Michigan BEI 2; 3) a minimum standard level 2 or 3; 4) a recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education; or 5) a deaf interpreter credential and certification.

Minnesota: Under Minn. R. Part 3525.2385, to qualify as a sign language interpreter/transliterator, a person shall have completed a training program affiliated with a state accredited educational institution and hold: 1) an interpreter and transliterator certificate awarded by the Registry of Interpreters for the Deaf (RID); or 2) a general level proficiency certificate at level 3 awarded by the National Association of the Deaf (NAD).

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing the licensure of school personnel, including those holding a 5-year, renewable license to work as an educational interpreter under s. PI 34.086. Under the current rule, applicants must meet the following eligibility criteria to obtain a license: 1) hold an interpreter training program certificate from an accredited 2- or 4-year college or university; 2) completed a practicum of at least 150 hours in

grades pre-kindergarten through grade 12 with a licensed educational interpreter assigned as a mentor; and 3) obtain a passing score on the written and educational interpreter performance assessment. Additionally, applicants may meet alternative eligibility criteria to obtain a license: 1) hold a sign language interpreter license issued by the Wisconsin Department of Safety and Professional Services as approved by the State Superintendent or certifications from the National Registry of Interpreters for the Deaf; and 2) complete a practicum of at least 150 hours in grades pre-kindergarten through grade 12 with a licensed educational interpreter assigned as a mentor.

The proposed rule will clarify that evidence of work experience as an educational interpreter in a PK-12 setting may be accepted in lieu of the practicum requirement to be eligible for a license under s. PI 34.086 (2) (b) or (3) (b). Without a rule, the department would be required to implement the rule as it currently exists, and applicants would be required to meet current eligibility criteria to obtain a license.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

N/A

Anticipated costs incurred by private sector:

N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

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Legislative Policy Coordinator
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Place where comments are to be submitted and deadline for submission:

Comments should be submitted to Carl Bryan, Department of Public Instruction, at adminrules@dpi.wi.gov. The Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

RULE TEXT

SECTION 1. PI 34.086 (2) (b) is renumbered PI 34.086 (2) (b) (intro.) and amended to read:

PI 34.086 (2) (b) The applicant does one of the following:

1. Completed a practicum of at least 150 hours in grades pre-kindergarten through grade 12 with a licensed educational interpreter assigned as a mentor. Completion shall be verified by a representative from a higher education interpreter training program or the school district administrator where the practicum took place.

SECTION 2. PI 34.086 (2) (b) 2. is created to read:

PI 34.086 (2) (b) 2. Submits evidence of 150 hours of work experience as an educational interpreter in a prekindergarten through grade 12 setting.

SECTION 3. PI 34.086 (3) (b) is renumbered PI 34.086 (3) (b) (intro.) and amended to read:

PI 34.086 (3) (b) The applicant does one of the following:

1. Completed a practicum of at least 150 hours in grades pre-kindergarten through grade 12 with a licensed educational interpreter assigned as a mentor. Completion shall be verified by a representative from a higher education interpreter training program or the school district administrator where the practicum took place.

SECTION 4. PI 34.086 (3) (b) 2. is created to read:

PI 34.086 (3) (b) 2. Submits evidence of 150 hours of work experience as an educational interpreter in a prekindergarten through grade 12 setting.

SECTION 5. EFFECTIVE DATE:

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this _____ day of _____, 2025

Jill Underly, PhD
State Superintendent