

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under sections 209.287 and 209.292, RSMo Supp. 2013, and section 209.295(8), RSMo 2000 the commission amends a rule as follows:

5 CSR 100-200.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 636). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-seven (27) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to

ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

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COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one (1) certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter

Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

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COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold vari-

ous certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees, and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

RESPONSE: This request is outside the purview of the amendment

change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1)

level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under sections 209.292(1), (2), and (11), RSMo Supp. 2013, and 209.295(8) and 209.305, RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.030 Missouri Interpreters Certification System
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 3, 2014 (39 MoReg 636–637). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-seven (27) comments on the proposed rescission.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this rescission as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-

Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed rescission, no changes have been made to this rescission as a result of this comment.

COMMENT #3: Kathleen Alexander, President MO-RID; Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this rescission as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed rule changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this rescission as a result of this comment.

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COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one (1) certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed rescissions for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of

interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this rescission as a result of this comment.

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COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the State of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this rescission as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this rescission as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this rescission as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this rescission as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this rescission as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to

those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

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RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this rescission as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this rescission as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this rescission as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this rescission as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for

the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed rescission, no changes have been made to this rescission as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
**Division 100—Missouri Commission for the Deaf and
Hard of Hearing**
Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.035 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 3, 2014 (39 MoReg 637-638). Sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received forty-seven (47) comments on the proposed rule.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this rule as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this rule as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed rule

changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this rule as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed rules for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this rule as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed rules be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational

setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who already are required to pass a certification examination in order to extend their certification. The number of interpreters affected and the expected time frame before an impact is seen does not indicate that withdrawal of the proposed changes is necessary. In addition, the commission is open to reviewing and discussing recommended changes to its rules. No changes were made to this rule as a result of this comment.

COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this rule as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this rule as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this rule as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed rules. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this rule as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this rule as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this rule as a result of this comment.

COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this rule as a result of this comment.

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RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #28: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, applauds the commission for adopting the BEI that protects consumers and provides a valid and reliable exam for interpreters.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #29: Sally Backer, Missouri Comprehensive, expresses support of getting a new/better testing instrument and that it includes the TEP.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #30: Loretto Freeman, Owner Lo's Communicate Plus

LLC, commends MCDHH for implementing a new testing system.
RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #31: Barbara Lange, Deaf consumer; Aaron Lange, Deaf consumer; Karen Lister, Deaf consumer; Kristy Shiver, Deaf customer; William Walker, Missouri Association of the Deaf President; Sharon K. Egbert, Deaf consumer; Jean McElwee, Deaf consumer; Ella Eakins, Deaf advocate; Paul Kiel, Deaf consumer and ASL instructor; and Debra Galindo-Salazar, Deaf consumer, are opposed to grandfathering interpreters that hold current certification and request that all interpreters currently certified through MICS must take the new certification test.

RESPONSE: The amount of time to retest over seven hundred (700) currently certified interpreters in addition to the new applicants for certification would create an undue burden to the MCDHH staff. It is not customary, and possibly not legal, to revoke or diminish prior professional certifications or licenses when a government agency moves to a new system, as such could potentially cause a shortage of interpreters. No changes have been made to this rule as a result of this comment.

COMMENT #32: Sally Backer, Missouri Comprehensive, supports the grandfathering of interpreters rather than having all interpreters retest with the new test. Other professions do not require this and if we are to be viewed as a profession we should look like other professions, knowing that there are Deaf consumers who disagree.

RESPONSE: The support of “grandfathering” of interpreters is in response to community members’ suggestion that all interpreters must take the new test. No changes have been made to this rule as a result of this comment.

COMMENT #33: Ella Eakins, Deaf advocate; Karen Lister, Deaf consumer; Aaron Lange, Deaf consumer; Kristy Shiver, Deaf customer; Sharon K. Egbert, Deaf consumer; Jean McElwee, Deaf consumer; Debra Galindo-Salazar, Deaf consumer; Barbara Lange, Deaf consumer; William Walker, Missouri Association of the Deaf President, are opposed to grandfathering those who hold the current Missouri Interpreter Certification System (MICS) Comprehensive certification at the Master level. If those with MICS Comprehensive can be converted to the Master then why not those who hold certification through RID considering the general agreement by interpreters that the NAD/RID national certification test was a better evaluation of an interpreter’s skills compared to the MICS?

RESPONSE: According to the proposed changes in 5 CSR 100-200.170(5)(A) and (B) NIC Master and NIC Advanced certification are recognized and referred to as Master level certification for the purposes of the skill level standards. However, in the current rules the NIC level certification is recognized at the Advanced level. No changes have been made to this rule as a result of this comment.

COMMENT #34: Angela Hernton, MO-RID Region 3 Rep; Angela Early-Exton, Metro Deaf Interpreting Professionals LLC; and Genevieve Lindner, MICS level- Advanced; expressed support of “grandfathering” current MICS certification to equivalent level titles and not requiring all currently certified interpreters to take the new certification test. This was in response to community members’ suggestion that all interpreters must take the new test.

RESPONSE: As this comment supports the proposed rule, no changes have been made to this rule as a result of this comment.

COMMENT #35: Donald Benfield, registered voter and Deaf consumer, would like all interpreters of all current certification levels to take the new test to see how they stack up compared to the old testing system.

COMMENT #36: Donald Benfield, Registered voter and Deaf consumer, states that interpreters were grandfathered in by MCDHH in the past. That practice should not be done again simply because there

is a shortage of interpreters, especially in the educational setting.

RESPONSE TO COMMENTS #35 AND #36: The amount of time to retest over seven hundred (700) currently certified interpreters in addition to the new applicants for certification would create an undue burden to the MCDHH staff. It is not customary, and possibly not legal, to revoke or diminish prior professional certifications or licenses when a government agency moves to a new system, as such could potentially cause a shortage of interpreters. No changes have been made to this rule as a result of these comments.

COMMENT #37: Nina Wilson requested that “grandfathering” of interpreters should only be allowed for an interpreter who has been interpreting for twenty (20) years or more. Interpreters who have interpreted for less than twenty (20) years should be required to take the new certification test.

RESPONSE: The amount of time to retest the large number of certified interpreters in addition to the new applicants for certification would create an undue burden to the MCDHH staff. It is not customary, and possibly not legal, to revoke or diminish prior professional certifications or licenses when a government agency moves to a new system, as such could potentially cause a shortage of interpreters. In addition, since our state only began requiring certification less than twenty (20) years ago, it would create an undue burden to MCDHH staff to verify an interpreter’s history of interpreting without certification to serve as proof. No changes have been made to this rule as a result of this comment.

COMMENT #38: Angela Early-Exton, Metro Deaf Interpreting Professionals LLC; Loretto Freeman, Owner Lo’s Communicate Plus LLC, are opposed to the community’s request that all interpreters currently certified through MICS must take the new certification test.

RESPONSE: This comment is in support of the proposed rule. No changes have been made to this rule as a result of this comment.

COMMENT #39: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, questions whether passing the TEP in another state such as Illinois will be accepted by MCDHH/BCI in order to take the performance test in Missouri.

RESPONSE: There is reciprocity between states who administer the TEP; however, an applicant for the Missouri BEI performance test must also meet the eligibility requirement in 5 CSR 100-200.050(1)(B). No changes have been made to this rule as a result of this comment.

COMMENT #40: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, requests that the commission consider investing more in rater training than what was proposed (in the fiscal note) to ensure a defensible certification system. This cost may be more than expected.

RESPONSE: The amount shown in the fiscal note was based on advisement by the BEI rater trainers which considered BEI’s testing standards and the trainers’ previous experience training multiple rating teams in three (3) different states. No changes have been made to this rule as a result of this comment.

COMMENT #41: Angie Esser agrees that those with a Comprehensive level of certification should be allowed to keep their certification since this was promised to them in the past. However, as a customer of interpreting services, she would like to be able to tell whether someone with Master certification has actually taken the BEI test or not. She would like us to consider adding a notation such as “Master (converted)” or something like that to help evaluate whether an interpreter fits her needs.

RESPONSE: The MCDHH staff had already considered denoting passage of the BEI Master test on the certification card. No changes have been made to this rule as a result of this comment.

COMMENT #42: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, believes the different certification tests should be accepted each on their own since each has a different testing method and should be valued separately. This includes NIC certification.

COMMENT #43: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, has concerns about the naming of the levels. The current Intermediate level would be termed Basic under the new system. The concern is that interpreters will feel demoted and parents will be confused by the perceived level of interpreter skill.

RESPONSE TO COMMENTS #42 AND #43: The names for the levels from the current MICS are changing to match the names of the levels used with the BEI exam. The reason for the use of the same names is for ease of finding the appropriate level in the skill level standards. No changes have been made to this rule as a result of these comments.

COMMENT #44: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, has a concern with the MICS certifications being converted to BEI certification. All tests are set up with different standards and reviewers and it's inappropriate to convert certifications when you can't compare two (2) different testing methods. If a person tests under the current MICS certification they can be identified as MICS-Comprehensive. If after testing with the BEI test they can hold BEI-(insert level) certification in addition to the MICS-Comprehensive.

COMMENT #45: Loretto Freeman, Owner Lo's Communicate Plus LLC, requests the current MICS certifications not be converted to BEI certifications. The two (2) certifications are different and should be allowed to exist at the same time.

COMMENT #46: Shelly Tisius, BCI member, St. Louis, is aware of a large concern in regards to the direct conversion of our certification into the BEI system.

RESPONSE AND EXPLANATION OF CHANGE TO COMMENTS #44-#46: There seems to be confusion that MICS levels are being converted to BEI certification. The names for the levels from the current MICS are changing to match the names of the levels used with the BEI exam. The reason for the use of the same names is for ease of finding the appropriate level in the skill level standards. Subsection (10)(A) will be changed to make clear that holding a particular certification does not mean an individual passed that level of the BEI. Staff also will be ensuring that interpreters who pass the BEI exam will have that notation on their certification card.

COMMENT #47: The commission comments that subsections (A), (B), and (C) of section (9) should be located under a separate section (10), because the content of these subsections (conversion of MICS certifications to the new terminology) are not related to the subject matter of section (9) (annual renewals).

RESPONSE AND EXPLANATION OF CHANGE: Subsections (A), (B), and (C) of section (9) will be located under a separate section (10) for the reasons stated in the comment.

5 CSR 100-200.035 Missouri Interpreters Certification System

(9) All MICS certifications except for the Intern/Practicum Certification are subject to renewal annually pursuant to 5 CSR 100-200.125, provided that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure.

(10) Transitional Provisions.

(A) The following MICS certifications issued based on performance tests taken prior to the effective date of this rule will be converted to the certifications established in this rule:

1. Comprehensive shall convert to Master;
2. Advanced shall convert to Advanced;
3. Intermediate shall convert to Basic.

(B) The conversion of prior MICS certifications pursuant to 5 CSR

100-200.035(10)(A) to the new certification levels does not certify that the holder passed the written test of English proficiency or the corresponding level's performance test. It does not entitle the holder to reciprocity with another BEI certifying entity.

(C) All other certifications issued prior to the effective date of this rule shall remain in full force and with the same rights, restrictions, and limitations as existed previously. Any person, who takes the written test and the performance evaluation under 5 CSR 100-200.030 prior to the effective date of the rule and earns a Comprehensive, Advanced, or Intermediate certification, shall be issued a Master, Advanced, or Basic, respectively, as set forth in subsection (A) of this section.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf and Hard of Hearing Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292(1), RSMo Supp. 2013, and sections 209.295(1), (3), and (8), RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.040 Restricted Certification in Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 639). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-eight (28) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.
RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.
RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President MO-RID; Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, NIC/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed amendment changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed rule changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools

be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who already are required to pass a certification examination in order to extend their certification. The number of interpreters affected and the expected time frame before an impact is seen does not indicate that withdrawal of the proposed changes is necessary. In addition, the commission is open to reviewing and discussing recommended changes to its rules. No changes were made to this amendment as a result of this comment.

COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The

proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes

that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with Provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities

because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #28: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, asks how many inter-

preters will the proposed changes to the minimal proficiency in EIPA scores affect and how many interpreters currently certificated would not be able to be certificated if applying under the new system?

RESPONSE: Of the over seven hundred (700) certified interpreters only five (5) hold Restricted Certification in Education (RCED) certification through the conversion of EIPA scores. Their certifications will not be affected by the implementation of these new rules. No changes have been made to this amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under sections 209.292(1) and 209.321(8), RSMo Supp. 2013, and sections 209.295(1), (3), and (8), and 209.309, RSMo 2000, the commission amends a rule as follows:

**5 CSR 100-200.045 Provisional Certificate in Education
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 639–640). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-nine (29) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President MO-RID; Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, NIC/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed amendment changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed rule changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

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RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which doesn't expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

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force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

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COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

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RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We

believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

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COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path. **RESPONSE:** The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a Provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #28: Sally Backer, Missouri Comprehensive, believes the Provisional Certificate in Education (PCED) needs to be for only one (1) year, not multiple years with extensions granted. Access to education is paramount to success in this country and language means access to education. If the interpreter without a strong language is modeling to a child without language, how will that lead to success?

RESPONSE: The PCED was established by statute, so the commission is not authorized to modify its provisions. Nevertheless, the avenue to receive a PCED for multiple years has been removed with the elimination of the Novice and Apprentice certifications. The avenue to receive the PCED for one (1) year remains. No changes have been made to this amendment as a result of this comment.

COMMENT #29: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, inquired what would happen to those who hold provisional certification when that certification level no longer exists. There needs to be an articulated plan for transitioning between the current system and a new system which includes a transition plan for those currently in the process.

RESPONSE: For interpreters who hold Apprentice certification as well as a provisional certificate their provisional certificate would expire when their Apprentice certification expires, just as it would have under the current system. For any interpreter who holds Novice certification as well as a provisional certificate, the provisional certificate would expire when their Novice certification expires. Under the new system they would not have the opportunity to advance to the Apprentice level and be granted a three (3) year extension of the provisional certificate, so they will need to obtain certification either through the BEI examination, the EIPA examination, or another acceptable certifying system. The number of those in the second scenario who would likely be affected is four (4). No changes have been made to this amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292(1), RSMo Supp. 2013, and sections 209.295(1) and (8), RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 640-641). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received forty-five (45) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescission. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President MO-RID; Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Cheryl Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one (1) certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are

many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which doesn't expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who already are required to pass a certification examination in order to extend their certification. The number of interpreters affected and the expected time frame before an impact is seen does not indicate that withdrawal of the proposed changes is necessary. In addition, the commission is open to reviewing and discussing recommended changes to its rules. No changes were made to this amendment as a result of this comment.

COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

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COMMENT #28: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, supports the sixty (60) credit hour requirement for new interpreters as well as that it is not limited to courses only in interpreting or American Sign Language. If the requirement was for particular coursework it may cause some difficulty for perspective interpreters to obtain the needed courses because there are only two (2) institutions in Missouri that provide interpreting education.

COMMENT #29: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, supports the requirement of a minimum of sixty (60) college or university credit hours is essential due to the higher order cognitive processing required to interpret between two (2) disparate languages as well as the need for a broad world knowledge, cross cultural competence, and professional decision-making abilities.

COMMENT #30: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, expresses support for the proposed amendment that applicants must have earned an associate degree and/or a minimum of sixty (60) credit hours from an accredited college or university.

RESPONSE TO COMMENTS #27-#30: As these comments support the proposed amendment, no changes have been made as a result of these comments.

COMMENT #31: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, would like the educational requirement to take the certification exam be a baccalaureate degree but knows the state may not be ready to implement that at this time. To prepare for that possibility it is suggested to the infrastructure to support requiring the associate degree or credits are within the discipline of ASL/English Interpreting Studies. The suggested amended wording states "have earned an associate degree in interpreting, or have completed at least sixty (60) hours of a four- (4-) year interpreting degree from an accredited college or university."

RESPONSE: The commission believes at this time because there is only one (1) program in the state that offers an associate degree in interpreting and one (1) program that offers a four- (4-) year interpreting degree it would create even more of a burden to interpreters trying to meet the educational requirement. No changes have been made to this amendment as result of this comment.

COMMENT #32: Donald Benfield, registered voter and Deaf consumer, believes strengthening the educational requirement to become an interpreter is definitely a positive move, especially for interpreters who interpret in the university/college setting.

RESPONSE: The commission agrees that increasing the educational requirement to become an interpreter can help interpreters develop a good fund of knowledge that may help when interpreting college courses. No changes have been made to this amendment as a result of this comment.

COMMENT #33: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes the requirement for an associate degree by a certain date has the potential to eliminate skilled interpreters from the pool available to public schools. It may be more reasonable to have a designated time period to acquire sixty (60) college hours or earn an associate's degree or to have an exception for highly skilled interpreters such as persons with deaf parents.

RESPONSE: Any interpreter who already holds MICS certification will be exempt from the new educational requirement, thus only affecting potential interpreters who do not hold any certification. No changes have been made to this amendment as a result of this comment.

COMMENT #34: Ethan Cordray, Technical Services Librarian, Lincoln University, believes the new requirement of sixty (60) credit hours as a prerequisite for the MICS is unnecessary and harmful. Unnecessary because the test is sufficient by itself to ensure that MICS process certifies competent interpreters and weeds out incompetent ones. There is no need for any extra required college training which is clear since the new requirement does not specify any subject matter to be covered. It is harmful because it imposes a severe financial burden on potential interpreters. Many interpreters decide on their profession before college and requiring them to earn sixty (60) credit hours is just a financial and time penalty. It also severely impedes certification for interpreters who have acquired their interpreting skills outside of academic study. This requirement will deprive them of a livelihood during the time they are acquiring their sixty (60) credit hours, which are hours deprived to the deaf community of their considerable skills. This requirement does not add any significant training for interpreters but is merely an additional hurdle to certification with no benefit and a severe cost.

COMMENT #35: Angie Esser has concern with the requirement that all interpreters complete sixty (60) hours of college prior to obtaining certification. College is very expensive and she would hate to see this profession closed off to lower-income people. Also, she personally knows several interpreters who do not fit this requirement, yet are well-read, intelligent people who are always seeking to develop their fund of knowledge. One in particular may not have been able to afford college but sought other avenues to develop their skills and is one of the most competent interpreters she knows. Additionally, she encounters interpreters who hold comprehensive certification under the current system who never should have obtained that level even though they have a college degree in interpreting or something else.

RESPONSE TO COMMENTS #34 AND #35: The increase in the educational requirement to become an interpreter follows other state and national standards for interpreters. In addition, the extra knowledge gained from the additional education is valuable for interpreters who work in a variety of settings. While interpreters may gain signing and interpreting skills outside the classroom, the general education and knowledge is valued as well. Prospective interpreters may incur more cost for the additional education but it is not without benefit. Additionally, the interpreting field will become more respected as a profession as the educational requirements increase. As these comments support the proposed amendment, no changes have been made as a result of these comments.

COMMENT #36: Angie Esser believes it is more important to be sure the people who hire and use interpreters are given information about the interpreters they are hiring—whether they have an associate's degree or bachelor's degree, whether their certification has been converted, hours of experience, etc. so consumers can make decisions based on facts rather than excluding people from the profession who cannot afford to meet arbitrary requirements, such as the sixty (60) credit hour requirement.

RESPONSE: The people who use and hire interpreters have the right to request information about interpreter qualifications including their education level, certification level, and whether it has been converted, hours of experience, etc. and make hiring decisions based on that. It is the certifying entity's duty to set standards to enter the profession. The increase in the educational requirement to become an interpreter follows other state and national standards for interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #37: Christopher Itai Cardona, Missouri Association of

the Deaf (MoAD) Education Advocate, Greater Ozark Chapter (GOC) Education Chairperson, GOC Representative, Human Rights Campaign (HRC) Representative, MCO Representative, expresses appreciation for all MCDHH is doing to solidify and secure the quality of interpreters in Missouri. However, he does not believe interpreters should be required to attend college and fears it will stop many skilled signers from applying. College does not increase signing ability. Also, college is expensive and this will stop the poor from gaining employment as interpreters. Perhaps requiring specialty terminology courses for interpreters working in those specialties are appropriate but to say all interpreters must attend college is unfair. He doesn't believe taking general education courses will help increase their signing vocabulary. Instead they should be attending Deaf events to improve signing ability.

RESPONSE: The increase in the educational requirement to become an interpreter follows other state and national standards for interpreters. College does not necessarily increase a person's signing ability. Some interpreters learn sign language while taking college courses while others may learn signing outside of the classroom. While general education courses do not increase signing ability, it does increase a person's general knowledge which is helpful when interpreting in a variety of settings. No changes have been made to this amendment as a result of this comment.

COMMENT #38: Christopher Itai Cardona, MoAD Education Advocate, GOC Education Chairperson, GOC Representative, HRC Representative, MCO Representative, requests that if college must be demanded of interpreters, make the courses they must attend be somewhat relevant to the interpreting profession and not just a general blanket.

RESPONSE: The requirement of courses specifically related to the interpreting profession has been considered but the burden it would present to the MCDHH staff to determine what courses meet that criteria makes that unfeasible at this time. No changes were made to this amendment as a result of this comment.

COMMENT #39: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, objects to the proposed change requiring potential interpreters to have completed sixty (60) hours of college to take the BEI test. While providing high quality interpreters should be the goal, she strongly believes that the number of hours a person spends in a college classroom does not have anything substantial to do with their ability to provide quality interpreting services. From personal experience she and another interpreter have worked as comprehensive level interpreters in advanced settings without a college degree. For some people formal college education is not the best choice.

RESPONSE: The increase in the educational requirement to become an interpreter follows other state and national standards for interpreters and is similar to other professions. The extra knowledge gained from the additional education is valuable for interpreters who work in a variety of settings. While interpreters may gain signing and interpreting skills outside the classroom, the general education and knowledge is valued as well. No changes have been made to this amendment as a result of this comment.

COMMENT #40: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, states that a person receiving sixty (60) hours of college credit in a major completely unrelated to interpreting or language skills would not better qualify them to be an interpreter than through months and years spent in the deaf community, practicing and honing their skills, participating in trainings, workshops, and mentorships is not logical or been proven in her experience.

RESPONSE: The increase in the educational requirement to become an interpreter follows other state and national standards for interpreters. College does not necessarily increase a person's signing ability. Some interpreters learn sign language while taking college courses while others may learn signing outside of the classroom. While

general education courses do not increase signing ability, it does increase a person's general knowledge which is helpful when interpreting in a variety of settings. No changes have been made to this amendment as a result of this comment.

COMMENT #41: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, holds the belief that consumers of interpreting services should have the right to make their own choices in regards to what level of education they wish the interpreter they hire to have. Schools, individuals, institutions, and agencies all have the right to require interpreters they hire to have completed any level of college they deem appropriate. They also have the right to file complaints against under-qualified interpreters working beyond their skill levels.

RESPONSE: The people who use and hire interpreters have the right to request information about interpreter qualifications including their education level, certification level, and whether it has been converted, hours of experience, etc. and make hiring decisions based on that. It is the certifying entity's duty to set standards to enter the profession. Individuals do have the right to file complaints against under-qualified interpreters working beyond their skill levels. The increase in the educational requirement to become an interpreter follows other state and national standards for interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #42: Donald Benfield, registered voter and Deaf consumer, believes strengthening the educational requirement to become an interpreter is definitely a positive move, especially for interpreters who interpret in the university/college setting.

RESPONSE: This comment is in support of the proposed change. No changes have been made to this amendment as a result of this comment.

COMMENT #43: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, questions whether passing the TEP in another state such as Illinois will be accepted by MCDHH/BCI in order to take the performance test in Missouri.

RESPONSE: There is reciprocity between states who administer the TEP, however an applicant for the Missouri BEI performance test must also meet the eligibility requirement in 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #44: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, questions whether the educational requirement must be met before taking either the written TEP or the performance test. The wording is not clear.

RESPONSE AND EXPLANATION OF CHANGE: The commission has decided to change the language in subsection (1)(B) which will decrease the number of hours required before taking the written test of English proficiency as well as being more clear.

COMMENT #45: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, explains that SWIC students typically take the written test during their third semester. This allows students to take the performance test during their final semester. The proposed amendment states they must have their degree completed before applying for the written TEP which delays their employability. Many SWIC students will probably test in Illinois where the requirement is only a high school diploma.

RESPONSE AND EXPLANATION OF CHANGE: The commission has agreed that it would be more beneficial to prospective interpreters to allow an applicant to complete thirty (30) hours of college credit before taking the written exam instead of sixty (60). Subsection (1)(B) will be changed to reflect that.

5 CSR 100-200.050 Application for Interpreter Certification in Missouri

(1) To be eligible for certification in the Missouri Interpreters

Certification System (MICS), each applicant must:

(B) Have completed a minimum of thirty (30) credit hours from an accredited college or university before taking the written test of English proficiency and have earned an associate degree and/or a minimum of sixty (60) credit hours from an accredited college or university before taking the performance examination. An applicant who is currently certified at the Novice, Apprentice, RCED, Basic, Advanced, or Master levels by MICS and applies for a higher level of certification is not required to meet this educational requirement.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf and Hard of Hearing

Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292(1), RSMo Supp. 2013, and section 209.295(8), RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 642). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received thirty-one (31) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to dis-

cuss the proposed changes.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who already are required to pass a certification examination in order to extend their certification. The number of interpreters affected and the expected time frame before an impact is seen does not indicate that withdrawal of the proposed changes is necessary. In addition, the commission is open to reviewing and discussing recommended changes to its rules. No changes were made to this amendment as a result of this comment.

COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees, and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of

hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The Commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the state Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment supports the amended rule, no changes have been made to this amendment as a result of this comment.

COMMENT #28: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, supports the format of the new written test of English proficiency.

RESPONSE: As this comment supports the amended rule, no changes have been made to this amendment as a result of this comment.

COMMENT #29: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, would like to know how the BEI certification process compares to what is currently being used. The proposed amendment ties a passing score on the written test to how it is "defined by the Texas Board for Examination of Interpreters (BEI)." There is concern that it allows another state's examination board to forever determine proficiency levels for Missouri instead of what constitutes a passing score at this time. The suggestion is to specifically state the name of the test and the proficiency score to help clarify.

RESPONSE AND EXPLANATION OF CHANGE: The written test of English proficiency was developed by the Texas Board for Examination of Interpreters (BEI) and determines the acceptable passing score and tests different skills than the current Missouri Interpreters Certification System (MICS) written test. Sections (7) and (8) will be changed to clarify that the written test is referring to the written test of English proficiency. The commission puts confidence in the BEI, in conjunction with the University of Arizona's National Center for Interpretation Testing, Research and Policy, and their rigorous test development methods to determine the appropriate passing score, which will also allow for a simpler and consistent transition of interpreters from other states using the BEI examination. No changes have been made to this amendment as a result of this comment.

COMMENT #30: Becki Rhyne noted that the Test for English Proficiency is repeatedly referred to as "the written test" as opposed to the full proper name or abbreviation TEP.

RESPONSE AND EXPLANATION OF CHANGE: Sections (7) and (8) will be changed to clarify that the written test is referring to the written test of English proficiency.

COMMENT #31: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, notes that the terminology used for the written test in 5 CSR 100-200.060 is different than in 5 CSR 100-200.035 where it refers to the written test of English proficiency. This may cause confusion from people testing in other states before coming to Missouri.

RESPONSE AND EXPLANATION OF CHANGE: Sections (7) and (8) will be changed to clarify that the written test is referring to the written test of English proficiency.

5 CSR 100-200.060 Written Test

(7) All applicants must have a passing score as defined by the Texas Board for Examination of Interpreters (BEI) on the written test of English proficiency in order to qualify for taking the performance test.

(8) Any applicant unable to obtain a passing score on the written test of English proficiency cannot retest for six (6) months from the date of their last written test of English proficiency. Any applicant may reapply to take the written test of English proficiency by submitting a new application form along with the appropriate application fee.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf and Hard of Hearing Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and sections 209.295(8) and 209.299, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.070 Performance Test and Evaluation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 642). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-nine (29) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed rule, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

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COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed

changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

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COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees, and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around

the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the Commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule

changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #28: Becki Rhyne questioned why only one (1) certification (BEI Basic) is listed allowing someone to take the BEI Advanced performance test. In Illinois someone with MICS Intermediate or RID's IC, TC, or Interpretation Certificate/Transliteration Certificate (IC/TC) certification may take the Advanced test. However, the certifications allowed to take the BEI Master test include RID certifications.

RESPONSE: To take the BEI Advanced test, they must hold MICS Basic certification which could have been obtained through conversion of the MICS Intermediate as determined by the proposed rule 5 CSR 100-200.035 or other BEI Basic certification. RID's IC, TC, or IC/TC do not have an equivalency level to the MICS established in rule, whereas other RID certifications are listed as equivalent to Advanced certification in our rules. The list of certifications accepted is by no means an exhaustive list. Conversions from other testing systems are considered in accordance with 5 CSR 100-200.100. No changes have been made to this amendment as a result of this comment.

COMMENT #29: John T. Adams, Facility Security Officer Deaf Inter-Link, Inc; Amanda Staats, NIC, states that according to 5 CSR 100-200.070, Performance Test and Evaluation, subsection (3)(C) states the Certificate of Interpretation/Certificate of Transliteration (CI/CT) is deemed equivalent to the new MICS Advanced. Originally, a CI/CT was converted to the MICS Comprehensive. Once the State Committee of Interpreters (SCI) accepted a CI/CT for licensure, MCDHH/BCI decided to make the CI/CT equivalent to the MICS Advanced. They request the CI/CT equivalency be removed from this rule, and instead put under 5 CSR 100-200.170,

Skill Level Standards, subsection (5)(C) and deem it equivalent to the new MICS Master.

RESPONSE: Rule 5 CSR 100-200.110(2) of the original rules in the grandfather clause stated that "Pursuant to an agreement with the Registry of Interpreters for the Deaf, the following levels will be grandfathered into the Missouri Interpreter Certification System: CSC, CI and CT—Comprehensive, IC and TC, CI or CT—Advanced, and IC or TC—Intermediate." This rule was effective July 30, 1997 until it expired on July 2, 1998. Later in 5 CSR 100-200.170(5) RID certifications were added to the Skill Level Standards for the purpose of indicating in what settings an interpreter with that certification may interpret. The CI/CT has been referred to as an Advanced in this rule since June 30, 2004. The request for CI/CT certification to be referred to as Master is outside the purview of the amendment change (5 CSR 100-200.170) and therefore cannot be addressed at this time. Because it refers to the CI/CT certification as Advanced elsewhere we cannot remove it from this rule (5 CSR 100-200.070). No changes have been made to this amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
**Division 100—Missouri Commission for the Deaf and
Hard of Hearing**
Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under sections 209.292(1), (2), and (11), RSMo Supp. 2013, and 209.295(8) RSMo 2000, the commission rescinds a rule as follows:

5 CSR 100-200.075 Voluntary Recertification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 3, 2014 (39 MoReg 643). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-seven (27) comments on the proposed rescission.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this rescission as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed rescission, no changes have been made to this rescission as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this rescission as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed rescission changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this rescission as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

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ed by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this rescission as a result of this comment.

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COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed rescission, no changes have been made to this rescission as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID

certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this rescission as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this rescission as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

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COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this rescission as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this rescission as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

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RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this rescission as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this rescission as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this rescission as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this rescission as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed rescission, no changes have been made to this rescission as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292(10), RSMo Supp. 2013, and sections 209.295(1), (6), and (8), RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.130 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 643-644). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received thirty-three (33) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language

Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who already are required to pass a certification examination in order to extend their certification. The number of

interpreters affected and the expected time frame before an impact is seen does not indicate that withdrawal of the proposed changes is necessary. In addition, the commission is open to reviewing and discussing recommended changes to its rules. No changes were made to this amendment as a result of this comment.

COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees, and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission

is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

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RESPONSE: The commission and the State of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

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students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

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RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

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COMMENT #28: Dr. Barbara Garrett, Com, Certificate of Interpretation/Certificate of Transliteration (CI/CT), Professor and Program Director at William Woods University, supports amending the number of continuing education units (CEUs) for a college course to better reflect the work completed in a college course.

COMMENT #29: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, states that increasing the required number of hours of CEUs align interpreters with the standards of most human service professions and are a positive step.

RESPONSE TO COMMENTS #27-#29: As these comments support the proposed amendment, no changes have been made as a result of these comments.

COMMENT #30: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, suggests the number of CEUs issued for college courses follow standards seen in the higher education field.

RESPONSE: The proposed number of CEUs for college courses was taken from the Registry of Interpreters for the Deaf's certification maintenance program standards. Because of the number of interpreters who hold both RID and state certification it was decided to

follow the same standard. No changes have been made to this amendment as a result of this comment.

COMMENT #31: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region; expresses support for the proposed amendment that an interpreter shall be required to earn two (2) CEUs annually for Certification Maintenance.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #32: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, is concerned that the proposed increase in CEU's will impact interpreter release time, cost to districts and interpreters, and appear to be inconsistently high when compared to CEU requirements for other certifications.

RESPONSE: The increase in the required number of CEU's is comparable to other state and national certifications in the interpreting field. Many professional development opportunities are offered during the summer, weekends, evenings, or at an interpreter's own discretion through the use of webinars and independent study. There could be an increase in the cost to school districts if reimbursing for professional development, however, there are many options at little or no cost to interpreters and school districts. No changes were made to this amendment as a result of this comment.

COMMENT #33: Staff has received numerous phone calls and questions asking when the increase in CEUs will take effect.

RESPONSE AND EXPLANATION OF CHANGE: Due to the number of phone calls and questions MCDHH staff has received asking about the effective date of this rule, section (3) will add language to clarify what CEU cycle will require the increased number of CEUs.

5 CSR 100-200.130 Certification Maintenance

(3) An interpreter shall be required to earn two (2.0) CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented. The twelve- (12-) month period for annually earning CEUs will end ninety (90) days prior to the licensing deadline. This section will become effective for the CEU cycle beginning November 3, 2014 and ending November 2, 2015.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf and Hard of Hearing Chapter 200—Board for Certification of Interpreters

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292(7), RSMo Supp. 2013, and sections 209.295(2) and 209.311, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.150 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 645-647). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received thirty (30) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

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COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on

national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one (1) certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed amendments be withdrawn at this time and public schools be given the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

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COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

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RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

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RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

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RESPONSE: The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH,

and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the Commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the

commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the Commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #28: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern with the increase in fees for certification testing, especially for an interpreter who may be required to take three (3) tests in order to achieve Master certification.

RESPONSE: The testing and rating procedures of the new test are more expensive than the previous test, so the fee had to be adjusted. The proposed fees is the commission's best estimate of the revenue to cover the expenses of the examination based on expenses shown by other states that use the same certification system. No surplus is anticipated or planned. The proposed fees are comparable to other states offering the same certification as well as to the national NAD-RID National Interpreter Certification (NIC) performance test. No changes have been made to this amendment as a result of this comment.

COMMENT #29: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, questions how the additional funds generated by the increase in testing fees will be used by the state.

RESPONSE: The proposed fees are projected to cover the increased cost to administer and score the new test. No surplus is anticipated or planned. No changes have been made to this amendment as a result of this comment.

COMMENT #30: Donald Benfield, registered voter and Deaf consumer, states that the new changes will increase the cost of fees for the interpreters who may not be happy with the increase unless they are able to see the benefits of the change.

RESPONSE: The commission agrees there will be an increased burden on certifying interpreters due to the increase in fees. The commission anticipates the new examination will benefit the health, safety, and welfare of the deaf and hard of hearing community by improving the validity and reliability of the certification process, which should have a residual benefit to the interpreters who can represent themselves with greater confidence to the deaf and hard of hearing community, which, based on comments received, strongly supports the adoption of the new examination. No changes have been made to this amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.170 Skill Level Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 648-651). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received fifty-four (54) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language

Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

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COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly

the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the Commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #28: Kathleen Alexander, President MO-RID; Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, NIC/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, recommend an additional rule change for rule 5 CSR 100.200.170(5) pertaining to skill level standards. The recommendation is that (C)NIC and (E) CI/CT be recognized as "Master" as generally accepted in other states. In recent years NIC-Master and NIC-Advanced have been retired. Interpreters currently can only achieve the "NIC" level and are automatically placed at a level below Comprehensive, regardless of skill and experience. The result is a negative impact on the ability of qualified interpreters in the state of Missouri being used effectively within communities. This defeats the state's goal of maintaining a defined set of skill level standards. Moreover, it reduces opportunities for the Deaf person to be served

by a qualified interpreter. The RID certifications CI/CT and NIC are generalist certifications (similar to the MICS and BEI). This means they signify skills in a broad range of general interpreting/transliterating assignments. It also means these interpreters have demonstrated their ability to appropriately judge which assignments they should or should not accept, as well as their ethical decision-making ability, by passing both written and oral interview/knowledge/performance exams. Moreover, it gives the Deaf person greater confidence in the abilities of qualified interpreter based on these exams.

COMMENT #29: Geneva Shearburn states that after reading a copy of Kathleen Alexander's letter of comment dated March 19, 2014, she agrees with her rationale and recommendation pertaining to 5 CSR 100-200.170(5) to change both C & E to Master. At the time of the last BCI meeting she thought the CSC, CI/CT and NIC were still converted to Level 5. Those certifications used to be at that level until changed by the prior BCI. Her recommendation reflects the majority of our state and national interpreters.

COMMENT #30: Mary Alice Gardner, Joplin, MO, MO-RID Secretary, MICS Comprehensive, recommends a rule change for rule 5 CSR 100.200.170(5) pertaining to skill level standards. Recommendation is that (C) is deemed equivalent to the new MICS Master. She would like to be in a state that is friendly to other interpreters who would like to move to our great state.

COMMENT #31: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, requests that NAD-RID certification National Interpreter Certification (NIC) be accepted at the new "Master" level because NAD-RID's NIC was developed as a partnership between RID and the National Association of the Deaf. In 2011, NAD and RID embarked on a process to enhance the NIC credential to "strengthen the effectiveness and increase the value of the NIC credential for all stakeholders" and part of this enhancement was to shift the credential to a one- (1-) level scoring format and the NIC Advanced and Master certifications are no longer in existence. Also, the NIC Knowledge Exam evaluates the ability of the tester to, in addition to ten (10) other tasks, "assess each interpreting situation to determine if qualified for the assignment."

COMMENT #32: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, requests that RID CI-CT certification reflected the nation's full certification standard from 1998-2008, indicating the longevity and experience of the professional interpreter to make appropriate decision on accepting assignments. This certification demonstrates the interpreter went far beyond the local standard at the time to achieve credentials at a national level.

COMMENT #33: Shelly Tisius, BCI member, St. Louis, states that after reviewing Ms. Bolding's letter she agrees with the rationale that national certifications be recognized as a Level 5 and believes that the recommendation reflects the majority of the state.

COMMENT #34: Michael Rizzolo, President & CEO Interpretrek, requests the NIC become accepted to the new certification level as Master. As a member of RID for over thirty (30) years, he takes seriously the obligation to place interpreters in appropriate settings. Additionally, Interpretrek encourages local interpreters to earn national certification and recruit top interpreters to move into the state. NAD and RID worked together to improve the NIC. They removed the NIC Advanced and Master certifications three (3) years ago; thereby making it impossible for any NIC interpreter (now our nation's highest attainable professional generalist certification) to convert to Missouri's Master level.

RESPONSE TO COMMENTS #28-34: The commission organized a task force to review and recommend modifications to the skill level standards. After review of the task force's recommendations, the commission determined to not increase the NIC and CI/CT levels to "Master." In addition, the commission's research of the certification levels in other states does not support the statement that the noted certifications are generally accepted as "Master" in other states. A

reviewing of other states who offer BEI certification shows that, in Texas, NIC certification is in the same category as Basic certification and CI/CT is in a category between Basic and Advanced in their listed situations and recommended interpreter certification levels. In Illinois, NIC, CI and CT certifications are listed as acceptable certifications for their Advanced license. In Michigan's final order of proposed rules, the NIC and CI and CT certifications are listed as certifications accepted to work in situations in which those with BEI Advanced certification may work. Because of the current NIC's one (1) level performance test format, there is an inability to distinguish the actual level of any given interpreter. Test results only indicate if minimum standards were met. According to the Registry of Interpreters for the Deaf's website, "candidates earn NIC certification if they demonstrate professional knowledge and skills that meet or exceed the minimum professional standards necessary to perform in a broad range of interpretation and transliteration assignments." The system proposed by this comment in which any NIC, CI and CT interpreter would be trusted to make their own evaluation and determination of competency to perform in specific situations is somewhat inconsistent with the philosophy behind the Skill Level Standards system currently required by the Legislature. Although the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010 also requires interpreters to independently evaluate their competence for a particular assignment, the Skill Level Standards set forth basic guidelines for appropriate areas of practice for each level and is not written to allow the interpreter unfettered discretion to make this determination. No changes have been made as a result of this comment.

COMMENT #35: John T. Adams, Facility Security Officer Deaf Inter-Link, Inc; Amanda Staats, NIC, states that according to 5 CSR 100-200.070, Performance Test and Evaluation, subsection (3)(C) states the Certificate of Interpretation/Certificate of Transliteration (CI/CT) is deemed equivalent to the new MICS Advanced. Originally, a CI/CT was converted to the MICS Comprehensive. Once the State Committee of Interpreters (SCI) accepted a CI/CT for licensure, MCDHH/BCI decided to make the CI/CT equivalent to the MICS Advanced. They request the CI/CT equivalency be removed from this rule, and instead put under 5 CSR 100-200.170, Skill Level Standards, subsection (5)(C) and deem it equivalent to the new MICS Master.

RESPONSE: Rule 5 CSR 100-200.110(2) of the original rules in the grandfather clause stated that "Pursuant to an agreement with the Registry of Interpreters for the Deaf, the following levels will be grandfathered into the Missouri Interpreter Certification System: CSC, CI and CT—Comprehensive, IC and TC, CI or CT—Advanced, and IC or TC—Intermediate." This rule was effective July 30, 1997 until it expired on July 2, 1998. Later, in 5 CSR 100-200.170(5), RID certifications were added to the Skill Level Standards for the purpose of indicating in what settings an interpreter with that certification may interpret. The CI/CT has been referred to as an Advanced in this rule since June 30, 2004. The commission organized a task force to review and recommend modifications to the skill level standards. After review of the task force's recommendations, the commission determined to not increase the NIC and CI/CT levels to "Master." In addition, the commission's research of the certification levels in other states does not support the statement that the noted certifications are generally accepted as "Master" in other states. A reviewing of other states who offer BEI certification shows that, in Texas, NIC certification is in the same category as Basic certification and CI/CT is in a category between Basic and Advanced in their listed situations and recommended interpreter certification levels. In Illinois, NIC, CI and CT certifications are listed as acceptable certifications for their Advanced license. In Michigan's final order of proposed rules, the NIC and CI and CT certifications are listed as certifications accepted to work in situations in which those with BEI Advanced certification may work. Because of the current NIC's one (1) level performance test format, there is an inability to distinguish the actual level of any given interpreter. Test results only indicate if

minimum standards were met. According to the Registry of Interpreters for the Deaf's website, "candidates earn NIC certification if they demonstrate professional knowledge and skills that meet or exceed the minimum professional standards necessary to perform in a broad range of interpretation and transliteration assignments." The system adopted by RID is philosophically inconsistent with the Skill Level Standards system required by the Legislature. Although the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010 also requires interpreters to independently evaluate their competence for a particular assignment, the Skill Level Standards set forth basic guidelines for appropriate areas of practice for each level and is not written to allow the interpreter unfettered discretion to make this determination. No changes have been made as a result of this comment.

COMMENT #36: Amanda Staats, NIC, states that while including the new language for skill level standards provides greater legal power, it is taking away accessibility because of the high nature of the legal language. She also states this section of the law is often referred to when clarity is needed and is easy to read by lay persons. She proposes that the prior language listing the various settings be left along with the language to provide flexibility to the discretion of the interpreters, etc.

RESPONSE: The proposed language was intended to remove redundancy and make it easier to read. No changes have been made to this amendment as a result of this comment.

COMMENT #37: Michael Rizzolo, President & CEO Interpretrek, notes that with the prerequisite of testing a candidate holding a bachelor's degree or completing the rigorous Alternative Pathway, we believe all NIC certified interpreters have demonstrated scholarship beyond what the MICS and BEI can ensure.

RESPONSE: The commission is currently increasing the educational requirements before becoming certified in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #38: Michael Rizzolo, President & CEO Interpretrek, requests that we consider an interpreter who has passed the NIC as someone capable of deciding which assignments to accept. Because this regulation infers they cannot make these professional judgments, interpreter recruitment is severely hindered. His goal is to bring as much quality and talent as possible to serve Missouri's Deaf community, but the current conversion presents a significant barrier.

RESPONSE: The system adopted by RID is philosophically inconsistent with the Skill Level Standards system required by the Legislature. Although the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010 also requires interpreters to independently evaluate their competence for a particular assignment, the Skill Level Standards set forth basic guidelines for appropriate areas of practice for each level and is not written to allow the interpreter unfettered discretion to make this determination. Interpreters who hold NIC certification can work in every setting except two (2) in Missouri—Criminal (Felony) and Family Court. No changes have been made to this amendment as a result of this comment.

COMMENT #39: Donald Benfield, registered voter and Deaf consumer, believes that interpreters with Basic certification should not interpret in a college setting for obvious reasons. College students should expect the most qualified and knowledgeable interpreter to have the ability to interpret for a given course. He has personal experience with interpreters who did not have the knowledge or skills with certain subjects, although they held MICS 4 or 5 certification.

RESPONSE: The skill level standards denote the minimum level of certification required to work in particular settings. Interpreters must use discretion in accepting assignments based upon their experience, capability, and certification level and in compliance with the Ethical Rules of Conduct established by the Missouri State Committee of

Interpreters at 20 CSR 2232-1.010. No changes have been made to this amendment as a result of this comment.

COMMENT #40: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the current NIC tests the ability of an interpreter to think critically about the Code of Professional Conduct. Because all NAD-RID certified interpreters agree to uphold the CPC and because they are tested for their understanding and knowledge thereof, there is an assurance that they have an appreciation of the ethical situations interpreters may encounter. Also he holds that all NAD-RID certified interpreters are tested on their ethical decision-making, including assessing qualifications for an assignment.

RESPONSE: Even though the MICS currently tests interpreters on ethics on its written test it still expects interpreters to demonstrate their interpreting skill level through certification before being allowed to interpret in different settings. MICS certified interpreters are expected to use discretion in accepting assignments based upon their experience, capability, and certification level and in compliance with the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010. No changes have been made to this amendment as a result of this comment.

COMMENT #41: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that Tenet 2 of the RID code of professional conduct supports the philosophy of the proposed level system — which interpreters should work only in assignments for which they are qualified — without arbitrarily establishing equivalency among various certifications.

COMMENT #42: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, explains that RID's certification programs maintain strict adherence to nationally recognized, testing industry standards of validity, reliability, equity, and legal defensibility. The certification involves passing a series of exams. The multiple-choice knowledge exam measures a variety of areas from linguistics to English proficiency to ethics to influences on the interpreting process. One of the main tasks involves assessing each interpreting situation to determine if qualified for the assignment.

RESPONSE TO COMMENTS #41 AND 42: MICS also currently tests interpreters on ethics on its written test, but still expects interpreters to demonstrate their interpreting skill level through certification before being allowed to interpret in different settings. MICS certified interpreters are expected to use discretion in accepting assignments based upon their experience, capability, and certification level and in compliance with the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010. No changes have been made to this amendment as a result of this comment.

COMMENT #43: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, believes the different certification tests should be accepted each on their own since each has a different testing method and should be valued separately. This includes NIC certification.

RESPONSE: Different certifications are accepted on their own. The certifications issued by other certifying entities are assigned equivalent levels to make it easier to find which settings in which they are allowed to work. No changes have been made to this amendment as a result of this comment.

COMMENT #44: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, acknowledges the need to improve the testing system; however, fears the conversions proposed may open the state to litigation due to the lack of data to justify the conversions from national certification.

RESPONSE: As part of its standing conversion procedures, the BCI reviews testing materials and systems from other certifying entities in order to evaluate the qualifications of those certified in those systems.

The ability to have a certifying system accepted by MICS is a privilege and requires the certifying entity to establish the level of competency of those certified under its system for purposes of the skill level standards. To date, the BCI is unaware of evidence to show that all NIC certificate holders are skilled at the MICS Master level proposed in the rules. A reviewing of other states who offer BEI certification shows that, in Texas, NIC certification is in the same category as Basic certification and CI/CT is in a category between Basic and Advanced in their listed situations and recommended interpreter certification levels. In Illinois, NIC, CI and CT certifications are listed as acceptable certifications for their Advanced license. In Michigan's final order of proposed rules, the NIC and CI and CT certifications are listed as certifications accepted to work in situations in which those with BEI Advanced certification may work. No changes have been made to this amendment as a result of this comment.

COMMENT #45: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, suggests that the skill level standards list only the minimum level of certification required for particular settings instead of listing abbreviations of each certification level permitted to work in that setting. Posting of the minimum requirement would make clear that the minimum level and above are acceptable.

RESPONSE: Based on the number of phone calls received staff believes that the current format listing all acceptable certification levels is clearer to individuals who may not be familiar with the ranking of the different certification levels. No changes have been made to this amendment as a result of this comment.

COMMENT #46: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, suggests when determining the skill level required for a particular setting to consider not only the setting but the language and terminology used. One (1) example relates to interpreting in the legal setting where the required levels for criminal felony and misdemeanor are different although the legal terminology used and the interpreting skills are the same for both. Although the possible punishments between a felony and misdemeanor may be different, they both can be severe.

RESPONSE: The skill level standards proposed were determined by a joint task force with input from members of the MCDHH, BCI, MCDHH staff and the State Committee of Interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #47: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern that the proposed skill level standards does not include settings in which new and novice interpreters may practice at a level that would be appropriate for their skill level. This may infringe on the rights of deaf consumers who may be alienated from certain settings because the setting does not warrant a Master level interpreter and is not going to find someone to interpret for a "free" tour.

RESPONSE: The proposed amendment has not eliminated the settings in which Novice or Apprentice level interpreters may work. Those currently certified at those levels may continue to practice in the appropriate settings until their current certification expires three (3) years after the date of issuance. Because those certifications will no longer be offered through the new testing system, there may be interpreters who fail to meet the minimum requirements to interpret in a variety of settings while they previously may have met the requirements for the Novice and Apprentice certifications. Statute defines the practice of interpreting and requires certification to become licensed as a requirement in the state of Missouri and therefore outside the purview of this amendment. No changes have been made to this amendment as a result of this comment.

COMMENT #48: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, wants the BCI to consider what settings/content would be considered to not meet the definition of interpreting and could be considered open to students and recently graduated interpreters.

RESPONSE: Statute defines the practice of interpreting and what is not considered interpreting. BCI does not have authority to change these requirements. No changes have been made to this amendment as a result of this comment.

COMMENT #49: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests that the retired RID certification Master Comprehensive Skills Certificate (MCSC) be added to the certifications accepted and suggest it meets the qualifications of Master (Comprehensive) certification.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. The list of certifications accepted is by no means an exhaustive list. Conversions from other testing systems are considered in accordance with 5 CSR 100-200.100. No changes have been made to this amendment as a result of this comment.

COMMENT #50: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, would like the commission to reconsider the skill levels necessary for legal settings. While an Advanced level interpreter may not interpret felony proceedings, they are allowed to interpret for other court proceeding including misdemeanors. Because consumer risk is high in both settings and because the same level of language and court/legal knowledge is needed to interpret in both settings the same certification level should be required for both. Consideration of the language used in the setting should be a factor in determining skill levels requirements in addition to a risk assessment to the consumer.

RESPONSE: The skill level standards proposed were determined by a joint task force with input from members of the MCDHH, BCI, MCDHH staff and the State Committee of Interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #51: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, supports the new language that clearly states interpreters should use the Ethical Rules of Professional Conduct and further clarifies that even if an interpreter has the license to work in a specific setting does not automatically mean they are qualified for it.

COMMENT #52: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, supports bringing clarification to the skill level standards. Since the law has been in effect for some time now it is noted that some adjustments needed to be made and those decisions were good.

RESPONSE TO COMMENTS #51-#52: As these comments support the proposed amendment, no changes have been made as a result of these comments.

COMMENT #53 Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, expressed grave concerns about how equivalency between and among various certifications was determined and set forth in the rules. The equivalency determinations, absent explanation of the psychometric data used and the reasons for the determinations, appear arbitrary and capricious. This may result in the pool of qualified interpreters able to work in Missouri artificially limited by a subjective level system.

RESPONSE: The conversion of RID and NIC certifications had already been established in rule. This amendment only changes the name of the certification level to coincide with the new testing system. No changes have been made to this amendment as a result of this comment.

COMMENT #54: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, expressed concern at the exclusion of several nationally recognized certifications from the rules as accepted credentials. RID asks the commission to include those interpreters holding an IC/TC, RSC, or MCSC on the list of interpreters able to work in Missouri.

RESPONSE: The list of certifications accepted is by no means an exhaustive list. Conversions from other testing systems are considered in accordance with 5 CSR 100-200.100. No changes have been made to this amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and
Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and sections 209.295(2) and (8), RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.210 Reinstatement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 651). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received twenty-seven (27) comments on the proposed amendment.

COMMENT #1: Donald Benfield, registered voter and Deaf consumer, has concerns regarding Missouri Interpreter Certification System (MICS) certification levels after careful review of the proposed amendments and rescissions. The Deaf and hard of hearing constituents have placed confidence in Missouri Commission for the Deaf and Hard of Hearing (MCDHH), Board for Certification of Interpreters (BCI), and State Committee of Interpreters (SCI) to ensure that certified and licensed interpreters comply with the rules within the state statutes. They have done a great job over the years. Any proposed changes to the statutes requires careful review and scrutiny to understand the reasoning for the changes, especially after receiving notification by email of the changes at the last minute.

RESPONSE: The commission appreciates the confidence placed in us. No changes were made to this amendment as a result of this comment.

COMMENT #2: Kaci N. Gill, Sign Language Interpreter, MICS-Comprehensive, wants to commend everyone for their time and effort to make improvements to the profession and services provided.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #3: Kathleen Alexander, President Missouri Registry of Interpreters for the Deaf (MO-RID); Pauline (Janie) Cook, MBA, CI/CT, Sign language interpreter; Chery Besette, National Interpreter Certification (NIC)/ Missouri Comprehensive Sign Language Interpreter; Angela Hernton, MO-RID Region 3 Rep; Carrie McGoldrick, NIC, MO, KS, PA, CT, believe the proposed rule changes will benefit the Deaf community, while bringing the standards for Sign Language Interpreters to a higher level.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #4: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, believe the proposed amendment changes will benefit the Deaf community and access to communication statewide.

RESPONSE: The commission agrees. No changes were made to this amendment as a result of this comment.

COMMENT #5: Debra Lakebrink, Sign language interpreter, NIC-Certified, Licensed in KS & MO; Lisa Bolding, Sign Language Specialists, Director, Midwest Region, applauds the commission for raising the standards of the interpreting profession and looks forward to even higher expectations in the years to come.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #6: Donald Benfield, registered voter and Deaf consumer, agrees that change to the MICS system is necessary to make testing valid and simple as well as to manage its costs.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Donald Benfield, registered voter and Deaf consumer, believes there should be one (1) test that all interpreters must take, regardless of their current level of certification or if certified by other agencies such as the National Interpreter Certification through the Registry of Interpreters for the Deaf (RID) and National Association of the Deaf (NAD). They must demonstrate they meet the standards in Missouri. Some reasoning for that is the incident on national tv of the interpreter at Nelson Mandela's funeral as well as seeing several interpreters on CNN who did not perform as well as expected. Those instances are hard to investigate to find out the interpreters' certification level and license.

RESPONSE: The commission is not authorized to require only one certification test for all interpreters. Under state law and regulations of the State Committee of Interpreters, the certifications of other certifying entities (RID, NIC, Educational Interpreter Performance Assessment (EIPA), etc.) are recognized by the State Committee of Interpreters when it issues licenses to work in Missouri.

COMMENT #8: Carter D. Ward, Ph.D., Executive Director of the Missouri School Boards' Association (MSBA) and the membership of Missouri Council of Administrators of Special Education (MO-CASE), expresses grave concern with proposed amendments for interpreters who work in public schools with children in kindergarten through grade 12. Based on input from interpreters in public schools and administrators who hire and supervise the interpreters, there are many aspects of the rules that do not appear to be reasonable or make sense when considering the impact to the supply and demand of interpreters, especially in rural Missouri, and on the educational outcomes of Missouri students who are hard of hearing.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected are those who hold temporary certification which does not expire for three (3) years after the date of issue. No changes were made to this amendment as a result of this comment.

COMMENT #9: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly recommends the proposed rules be withdrawn at this time and public schools be given

the opportunity to discuss the desired outcomes the commission is seeking to achieve. MSBA is willing to convene a task force in concert with MO-CASE to meet with the commission to discuss the proposed changes.

RESPONSE: The commission did carefully consider the rules and their impact on interpreters working in the educational setting and the impact to deaf and hard of hearing students in the public schools. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who already are required to pass a certification examination in order to extend their certification. The number of interpreters affected and the expected time frame before an impact is seen does not indicate that withdrawal of the proposed changes is necessary. In addition, the commission is open to reviewing and discussing recommended changes to its rules. No changes were made to this amendment as a result of this comment.

COMMENT #10: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes there is a need to examine the data on current certifications held by school-based interpreters and how those would convert to the new leveling system.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes because their certification is being converted to an equivalent level under 5 CSR 100-200.035. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #11: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, strongly believes data needs to be pulled and analyzed in terms of where interpreters are currently employed in public schools and the levels of certification that are currently held by those interpreters.

RESPONSE: The data was collected on interpreters who hold various certifications. The overwhelming majority of interpreters who work in the educational setting will not be affected by the proposed changes. Those few who will be affected (less than twenty (20) out of over seven hundred (700) certified interpreters) are those who hold temporary or provisional certifications which do not expire for one (1) to three (3) years after the date of issue, and who are already required to pass a new examination to extend their certification. No changes were made to this amendment as a result of this comment.

COMMENT #12: Carter D. Ward, Ph.D., Executive Director of the MSBA and the membership of MO-CASE, believes a reasonable plan for transitioning from the current system to a new system of certification leveling, proficiency, fees, and continuing professional training must be well thought out and in place. This will ensure that no child in Missouri who is deaf or hard of hearing fails to progress educationally or is otherwise harmed by a lapse in service due to a shortage of interpreters to provide services in public schools.

RESPONSE: The commission believes it analyzed the data and saw a very small number of educational interpreters who may be affected by the proposed changes. The increase in fees is in response to the expected increase in expenses to ensure we are adhering to testing standards and administering a certification test that has been proven valid, reliable, and legally defensible. The cost of the certification testing will continue to be less than the cost of certification through private certifying agencies. Interpreters are able to access continuing professional training from a variety of sources at a nominal fee. The

proposed continuing education requirements are comparable to other interpreter certifying and licensing entities around the nation. We believe the proposed changes will be beneficial to deaf or hard of hearing students by ensuring we are using the most valid and reliable testing instrument available and requiring more professional training in the interpreting field. No changes were made to this amendment as a result of this comment.

COMMENT #13: Dr. Carrie L. McCray, Associate Dean of Academic Assessment and Associate Professor ASL/Interpreting at William Woods University, expressed concern at the possible reduction in the number of interpreters due to the proposed amendments. While agreeing that the standards for interpreters need improvement, it is noted that the current workforce cannot meet the demand. The commission is urged to create a strategic plan for assisting in the training of future interpreters and help raise the passage rates for certification evaluations.

RESPONSE: The commission will be strategically planning for the training of interpreters to meet the demands of the profession. It is one of our legal mandates. No changes have been made to this amendment as a result of this comment.

COMMENT #14: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, asks the commission to consider creating provisional certification interpreting students to allow them to work in settings that currently a Novice level interpreter may interpret. Other states and interpreting programs around the nation have implemented such programs. Another consideration would be to remove those settings from the regulation so that Deaf people would have greater access to those low-risk events that no law requires anyone to hire an interpreter for.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #15: Dr. Barbara Garrett, Com, CI/CT, Professor and Program Director at William Woods University, requests the commission to consider changing language similar to what the Illinois Deaf and Hard of Hearing Commission used regarding the use of Deaf interpreters to work with Deaf-blind individuals as well as fill the need we have in the state for Deaf interpreters.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #16: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that in order to promote excellence in interpreting all interpreters should demonstrate skill, knowledge, and ability through the attainment of certification. State regulation of interpreting is a mechanism to achieve that goal and commends the efforts by the commission to open dialogue around communication access in Missouri.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

COMMENT #17: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that RID is committed to ongoing dialogue with the commission and board to facilitate a smooth transition under the amended rules. RID supports the regulation of interpreters to ensure excellence in services delivered to the Deaf community. RID urges the board to recognize the value of NAD-RID certification and the many and varied contributions NAD-RID certified interpreters have made and will continue to make in the state of Missouri and the Deaf community.

RESPONSE: The commission and the state of Missouri, generally, recognize the value of NAD-RID certification and its many contributions its certified interpreters have made. The commission assumes

that is why the Missouri legislature chose to recognize RID-NAD certification for licensure to work in Missouri. No changes have been made to this amendment as a result of this comment.

COMMENT #18: Shane Feldman, Executive Director of the Registry of Interpreters for the Deaf, states that the need to certify practitioners has become more widely recognized at the state and federal levels, and within public and private practice. The processes and practices underlying certification has evolved. In many professions, such as law and nursing, states have implemented clear-cut requirements and standards for that profession including timelines and an organizational structure for when and how these requirements would be met. We are at a point in the interpreting profession to not only witness, but to impact the progress and journey down this path.

RESPONSE: The commission agrees. No changes have been made to this amendment as a result of this comment.

COMMENT #19: Becki Rhyne requests a certification/permit be created for recent graduates of an interpreter training program who do not achieve a Basic level. This would allow them a means to work their way up to the Basic level and gainful employment. The state of Illinois offers a provisional certification after passing the Test of English Proficiency (TEP) for up to two (2) years to work in very low impact environments to give opportunities for skill development. If there is concern with using less qualified interpreters it may be mollified with support or monitoring by a certified interpreter.

RESPONSE: This request is outside the purview of the proposed rule changes and therefore cannot be addressed at this point. No changes have been made to this amendment as a result of this comment.

COMMENT #20: Becki Rhyne noted that the current mentoring program will no longer be valid for those not reaching a Basic level since the Apprentice and Novice levels will no longer be offered. She requests that the BCI establish an interim permit or pre-certified status allowing interpreters who have not reached the Basic level of certification to pursue mentoring opportunities.

RESPONSE: This request is outside the purview of the proposed rule changes but is a matter that could be evaluated by BCI, MCDHH, and the State Committee of Interpreters and addressed in future rules, if appropriate. No changes have been to this amendment as a result of this comment.

COMMENT #21: Becki Rhyne questioned whether someone who is certified in the Board for Evaluation of Interpreters (BEI) by another state would be required to convert to Missouri certification or will that certification be accepted by the State Committee of Interpreters for a license at an equivalent level?

RESPONSE: Those certified through the BEI examination in another state will be required to convert to Missouri certification so that the commission can assure they have met the eligibility requirements under 5 CSR 100-200.050(1)(B). No changes have been made to this amendment as a result of this comment.

COMMENT #22: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, proposes that MCDHH adopts a rule similar to Illinois and give provisional certification to those who have passed the TEP. Then the Skill Level Standards could be amended to allow those with provisional certification to work where Novice interpreters currently work, primarily under the recreation and education programs.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #23: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, expressed concern that students who graduate and are not able to attain the Basic level of certification will also not be able to have mentorship opportunities

because the eligibility requirement is to be certified. Previously students who scored at the Novice or Apprentice level with the current MICS system would be certified and could take advantage of the mentorship program which has been a key to students' success.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters, and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #24: Susen McBeth, MICS Comprehensive, Assistant Professor at Southwestern Illinois College, requests that the commission consider recent graduates who are unable to attain the Basic level of certification and how they can improve their skills. Possibly the Internship/Practicum Certificate (IPC) may be another way for students to work under a mentor. Currently it is only for students in a program, but if it could be extended to graduates working under a supervised mentorship program it could help them seek opportunities that have been crucial in the development of past graduates.

RESPONSE: This request is outside the purview of the amendment change and therefore cannot be addressed in these rules. No changes have been made to this amendment as a result of this comment.

COMMENT #25: Sally Backer, Missouri Comprehensive, would like to see a test for CDI recognized, licensed and Certification Maintenance required for the Deaf community. Currently CDI is listed as a working certificate but she does not see where they have to be licensed and overseen by the BCI.

RESPONSE: Currently, the BCI recognizes certification of Certified Deaf Interpreter (CDI) offered by the Registry of Interpreters for the Deaf. At this time it is the only certification offered for Deaf interpreters. Rules related to the licensure of CDIs are under the authority of another agency, the State Committee of Interpreters, and therefore we cannot respond. Additionally, the BCI does not oversee the licensing of interpreters. The State Committee of Interpreters oversees the licensing of all interpreters. No changes have been made to this amendment as a result of this comment.

COMMENT #26: Sally Backer, Missouri Comprehensive, asks the commission to re-evaluate the mentorship options to allow people to have time to practice (under supervision) prior to testing. Currently applying for and getting a mentor plan approved is difficult. Even though mentoring guidelines state that a person can work one (1) level higher than their current certification, historically intermediate level interpreters were NOT approved to work (with supervision) in an advanced level setting. The rule states that you can work one (1) level above your current certification but intermediate and advanced are not allowed to do this. Other professions do clinical work without direct supervision while we apply to do direct supervision only to be rejected.

RESPONSE: The rules for mentorship are established under another agency, the State Committee of Interpreters and therefore cannot be changed by the commission. No changes have been made to this amendment as a result of this comment.

COMMENT #27: Tessi Muskrat Rickabaugh, wife, mother, spiritual director, Interpreter for the Deaf, looks forward to Missouri adopting the BEI system and believes this change will be very positive for the interpreting profession in Missouri as well as for those who use the services of interpreters. She is pleased there will be a certification system which has such detailed research behind it, which will provide a more dependable level of qualification, and may be able to serve our deaf and hearing customers better.

RESPONSE: As this comment is in support of the proposed amendment, no changes have been made to this amendment as a result of this comment.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State. In addition, this list includes contractor(s) that have agreed to entry of an injunction permanently prohibiting them and any persons and entities related to them from engaging in, or having any involvement in, any business in Missouri.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC Case No. 12AO-CR01752 (Jasper County Cir. Ct.)		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013 to 08/08/2014

Contractors Agreeing to Permanent Prohibition from Engaging In, or Having Any Involvement In, Any Business in Missouri

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Injunction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent
Troy Langley		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent

Dated this 7th day of March 2014.


John E. Lindsey, Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST LOGO THAT UP, LLC

On June 6, 2014, Logo That Up, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Christiaan D. Horton, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE TO THE UNKNOWN CREDITORS OF WEST COUNTY PLASTIC AND RECONSTRUCTIVE SURGERY, INC.

You are hereby notified that on June 12, 2014, West County Plastic and Reconstructive Surgery, Inc., a Missouri profit corporation (the "Company"), the principal office of which is located in St. Louis County, Missouri, filed Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

West County Plastic and Reconstructive Surgery, Inc.
In care of Capes Sokol Goodman & Sarachan, P.C.
7701 Forsyth Blvd., 12th floor
St. Louis, Missouri 63105
Attention: Mark E. Goodman, Esq.

A claim against West County Plastic and Reconstructive Surgery, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CLAIMANTS AGAINST
KBLM, INC.,
a Missouri Corporation**

On June 16, 2014, KBLM, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution of the corporation was effective on June 16, 2014.

All claims must include: the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which provided the basis for the claim; and copies of any other supporting data. Claims should be in writing and mailed to the corporation in care of James A. Beckemeier, Attorney-at-Law, 13421 Manchester Road, Suite 103, St. Louis, MO 63131.

Any claim against KBLM, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
DEPARTMENT OF AGRICULTURE					
2 CSR 90-10	Weights and Measures				38 MoReg 1241
2 CSR 90-10.001	Weights and Measures		39 MoReg 1199		
2 CSR 90-10.011	Weights and Measures		39 MoReg 1199		
2 CSR 90-10.020	Weights and Measures		39 MoReg 1200		
2 CSR 90-10.040	Weights and Measures		39 MoReg 1200		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.110	Conservation Commission		39 MoReg 1200		
3 CSR 10-4.111	Conservation Commission		39 MoReg 849	39 MoReg 1155	
3 CSR 10-6.550	Conservation Commission		39 MoReg 849	39 MoReg 1155	
3 CSR 10-7.433	Conservation Commission		N.A.	39 MoReg 1083	
			This Issue		
3 CSR 10-7.434	Conservation Commission		N.A.	39 MoReg 1083	
3 CSR 10-7.437	Conservation Commission		N.A.	39 MoReg 1084	
3 CSR 10-9.220	Conservation Commission		39 MoReg 1201		
3 CSR 10-9.353	Conservation Commission		39 MoReg 1209		
3 CSR 10-9.359	Conservation Commission		39 MoReg 1216		
3 CSR 10-9.560	Conservation Commission		39 MoReg 1220		
3 CSR 10-9.565	Conservation Commission		39 MoReg 1220		
3 CSR 10-9.566	Conservation Commission		39 MoReg 1224		
3 CSR 10-10.735	Conservation Commission		39 MoReg 849	39 MoReg 1155	
3 CSR 10-11.115	Conservation Commission		39 MoReg 850	39 MoReg 1155	
3 CSR 10-11.205	Conservation Commission		39 MoReg 850	39 MoReg 1156	
3 CSR 10-11.210	Conservation Commission		39 MoReg 851	39 MoReg 1156	
3 CSR 10-11.215	Conservation Commission		39 MoReg 851	39 MoReg 1156	
3 CSR 10-12.110	Conservation Commission		39 MoReg 852	39 MoReg 1156	
3 CSR 10-12.140	Conservation Commission		39 MoReg 852	39 MoReg 1156	
3 CSR 10-12.145	Conservation Commission		39 MoReg 852	39 MoReg 1156	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.020	Division of Business and Community Services	39 MoReg 1113			
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.011	Division of Business and Community Services	39 MoReg 915	39 MoReg 591	39 MoReg 1118	
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.021	Division of Business and Community Services	39 MoReg 924	39 MoReg 600	39 MoReg 1118	
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.011	Division of Business and Community Services	39 MoReg 924	39 MoReg 600	39 MoReg 1118	
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.021	Division of Business and Community Services	39 MoReg 926	39 MoReg 602	39 MoReg 1118	
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.031	Division of Business and Community Services	39 MoReg 927	39 MoReg 603	39 MoReg 1119	
4 CSR 85-9.035	Division of Business and Community Services	39 MoReg 938	39 MoReg 613	39 MoReg 1119	
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.041	Division of Business and Community Services	39 MoReg 942	39 MoReg 617	39 MoReg 1119	
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 85-9.051	Division of Business and Community Services	39 MoReg 946	39 MoReg 621	39 MoReg 1119	
4 CSR 85-10.010	Division of Business and Community Services		39 MoReg 721		
4 CSR 85-10.020	Division of Business and Community Services		39 MoReg 723		
4 CSR 85-10.030	Division of Business and Community Services		39 MoReg 724		
4 CSR 85-10.040	Division of Business and Community Services		39 MoReg 725		
4 CSR 85-10.050	Division of Business and Community Services		39 MoReg 726		
4 CSR 85-10.060	Division of Business and Community Services		39 MoReg 728		
4 CSR 240-2.090	Public Service Commission		39 MoReg 630	39 MoReg 1228	
4 CSR 340-2	Division of Energy				39 MoReg 1170
4 CSR 340-2.010	Division of Energy (Changed from 10 CSR 140-2.010)				39 MoReg 1170
4 CSR 340-2.020	Division of Energy (Changed from 10 CSR 140-2.020)				39 MoReg 1170
4 CSR 340-4.010	Division of Energy (Changed from 10 CSR 140-4.010)				39 MoReg 1170
4 CSR 340-6.010	Division of Energy (Changed from 10 CSR 140-6.010)				39 MoReg 1170
4 CSR 340-7.010	Division of Energy (Changed from 10 CSR 140-7.010)				39 MoReg 1170
4 CSR 340-8.010	Division of Energy (Changed from 10 CSR 140-8.010)				39 MoReg 1170
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-400.120	Division of Learning Services		39 MoReg 191R	39 MoReg 1084R	
5 CSR 20-400.130	Division of Learning Services		39 MoReg 191R	39 MoReg 1084R	
5 CSR 20-400.140	Division of Learning Services		39 MoReg 192R	39 MoReg 1085R	
5 CSR 20-400.450	Division of Learning Services		39 MoReg 1075		
5 CSR 20-500.130	Division of Learning Services		39 MoReg 630	39 MoReg 1157	
5 CSR 20-500.140	Division of Learning Services		39 MoReg 631	39 MoReg 1157	
5 CSR 20-500.150	Division of Learning Services		39 MoReg 632	39 MoReg 1157	
5 CSR 20-500.160	Division of Learning Services		39 MoReg 633	39 MoReg 1157	
5 CSR 20-500.170	Division of Learning Services		39 MoReg 633	39 MoReg 1157	
5 CSR 20-500.180	Division of Learning Services		39 MoReg 634	39 MoReg 1157	
5 CSR 20-500.190	Division of Learning Services		39 MoReg 634	39 MoReg 1158	
5 CSR 20-500.200	Division of Learning Services		39 MoReg 635	39 MoReg 1158	
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 636	This Issue	
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 636R	This IssueR	
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 637	This Issue	
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 639	This Issue	
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 639	This Issue	
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 640	This Issue	
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 642	This Issue	
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 642	This Issue	
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 643R	This IssueR	
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 643	This Issue	
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 645	This Issue	
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 648	This Issue	
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 651	This Issue	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.140	Commissioner of Higher Education		39 MoReg 1029		
6 CSR 10-12.010	Commissioner of Higher Education		39 MoReg 1116		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		39 MoReg 729R 39 MoReg 729		
7 CSR 10-12.010	Missouri Highways and Transportation Commission		39 MoReg 493	39 MoReg 1229	
7 CSR 10-12.020	Missouri Highways and Transportation Commission		39 MoReg 493	39 MoReg 1229	
7 CSR 10-12.030	Missouri Highways and Transportation Commission		39 MoReg 494	39 MoReg 1229	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				39 MoReg 1129 39 MoReg 1130 39 MoReg 1171 39 MoReg 1172 39 MoReg 1231 39 MoReg 1232 39 MoReg 1232 39 MoReg 1233
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-4.160	Division of Employment Security				39 MoReg 1234
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-2.010	Certification Standards		39 MoReg 438	39 MoReg 1085	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.220	Air Conservation Commission		39 MoReg 769		
10 CSR 10-5.240	Air Conservation Commission		38 MoReg 1877R	39 MoReg 1085R	
10 CSR 10-6.010	Air Conservation Commission		38 MoReg 2089	39 MoReg 1085	
10 CSR 10-6.040	Air Conservation Commission		39 MoReg 853		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 10-6.165	Air Conservation Commission		39 MoReg 732		
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 2008	39 MoReg 1087	
10 CSR 140-2.010	Division of Energy <i>(Changed to 4 CSR 340-2.010)</i>				39 MoReg 1170
10 CSR 140-2.020	Division of Energy <i>(Changed to 4 CSR 340-2.020)</i>				39 MoReg 1170
10 CSR 140-4.010	Division of Energy <i>(Changed to 4 CSR 340-4.010)</i>				39 MoReg 1170
10 CSR 140-6.010	Division of Energy <i>(Changed to 4 CSR 340-6.010)</i>				39 MoReg 1170
10 CSR 140-7.010	Division of Energy <i>(Changed to 4 CSR 340-7.010)</i>				39 MoReg 1170
10 CSR 140-8.010	Division of Energy <i>(Changed to 4 CSR 340-8.010)</i>				39 MoReg 1170
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-1.090	Missouri Gaming Commission		39 MoReg 651		
11 CSR 45-4.010	Missouri Gaming Commission		39 MoReg 192	39 MoReg 1158	
11 CSR 45-4.020	Missouri Gaming Commission		39 MoReg 192	39 MoReg 1158	
11 CSR 45-4.030	Missouri Gaming Commission		39 MoReg 196	39 MoReg 1159	
11 CSR 45-4.055	Missouri Gaming Commission		39 MoReg 196	39 MoReg 1159	
11 CSR 45-4.190	Missouri Gaming Commission		39 MoReg 196	39 MoReg 1159	
11 CSR 45-4.200	Missouri Gaming Commission		39 MoReg 197	39 MoReg 1159	
11 CSR 45-4.205	Missouri Gaming Commission		39 MoReg 198R	39 MoReg 1159R	
11 CSR 45-4.230	Missouri Gaming Commission		39 MoReg 652		
11 CSR 45-4.260	Missouri Gaming Commission		39 MoReg 198	39 MoReg 1160	
11 CSR 45-4.380	Missouri Gaming Commission		39 MoReg 201	39 MoReg 1160	
11 CSR 45-4.390	Missouri Gaming Commission		39 MoReg 201	39 MoReg 1161	
11 CSR 45-4.400	Missouri Gaming Commission		39 MoReg 203	39 MoReg 1161	
11 CSR 45-4.410	Missouri Gaming Commission		39 MoReg 203	39 MoReg 1161	
11 CSR 45-4.420	Missouri Gaming Commission		39 MoReg 204	39 MoReg 1162	
11 CSR 45-5.190	Missouri Gaming Commission		39 MoReg 657		
11 CSR 45-5.225	Missouri Gaming Commission		39 MoReg 658		
11 CSR 45-7.170	Missouri Gaming Commission		39 MoReg 204	39 MoReg 1162	
11 CSR 45-9.113	Missouri Gaming Commission		39 MoReg 204	39 MoReg 1162	
11 CSR 45-9.118	Missouri Gaming Commission		39 MoReg 205	39 MoReg 1162	
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15 CSR 30-50.040	Secretary of State		38 MoReg 835		
			39 MoReg 249	39 MoReg 1127	
15 CSR 30-52.015	Secretary of State		38 MoReg 836		
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19 CSR 30-20.088	Division of Regulation and Licensure		39 MoReg 443	39 MoReg 1163	
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19 CSR 30-20.096	Division of Regulation and Licensure		39 MoReg 446	39 MoReg 1165	
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20 CSR	Applied Behavior Analysis Maximum Benefit				38 MoReg 432 39 MoReg 692
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
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20 CSR	State Legal Expense Fund Cap				39 MoReg 167
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20 CSR 2150-9.080	State Board of Registration for the Healing Arts		39 MoReg 1224		
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22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R	38 MoReg 2096R	

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Department of Economic Development			
Division of Business and Community Services			
4 CSR 85-5.020	Preliminary Application39 MoReg 1113	May 15, 2014	Feb. 24, 2015
Department of Social Services			
MO HealthNet Division			
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology This Issue	July 1, 2014	Dec. 27, 2014
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)This Issue	July 1, 2014	Dec. 27, 2014
Department of Insurance, Financial Institutions and Professional Registration			
Missouri Dental Board			
20 CSR 2110-2.170	FeesNext Issue	July 18, 2014	Feb. 26, 2015
State Board of Pharmacy			
20 CSR 2220-4.010	General FeesNext Issue	July 18, 2014	Feb. 26, 2015
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations39 MoReg 767	May 1, 2014	Oct. 27, 2014

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2014		
14-07 Establishes the Disparity Study Oversight Review Committee.	July 2, 2014	Next Issue
14-06 Orders that the Division of Energy develop a comprehensive State Energy Plan to chart a course toward a sustainable and prosperous energy future that will create jobs and improve Missourians' quality of life.	June 18, 2014	This Issue
14-05 Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	39 MoReg 1114
14-04 Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
14-03 Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
14-02 Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
14-01 Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491
2013		
13-14 Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
13-13 Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
13-12 Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11 Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10 Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09 Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08 Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07 Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06 Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05 Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04 Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03 Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02 Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01 Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

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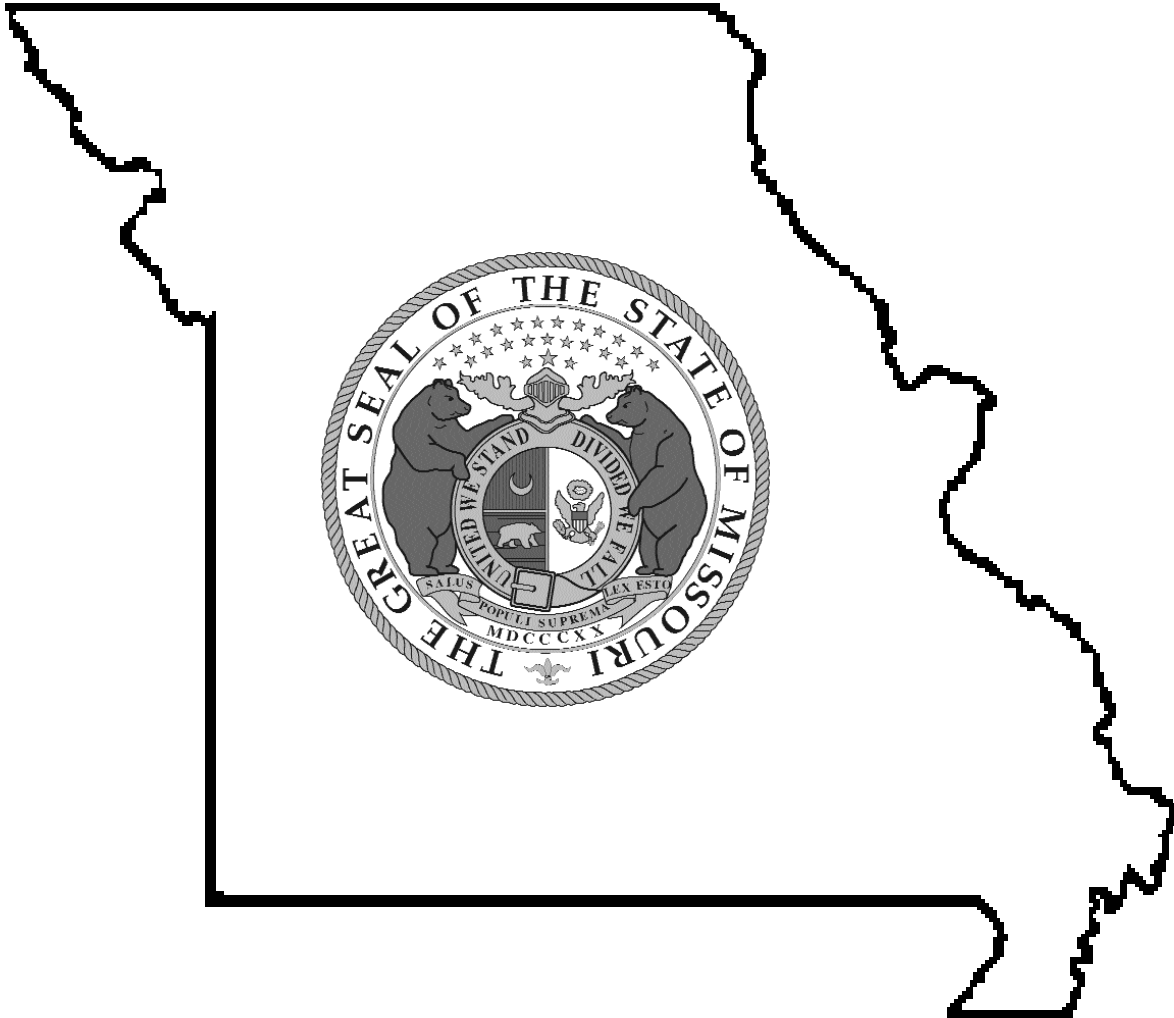
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DRAFTING AND STYLE MANUAL



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A rule number can only be used once. Once a rule number has been used for a rule, the same rule number cannot be used for another rule with a different subject.

Leave room in your chapters for expansion of rules. Normally rule numbers should be assigned in increments of ten (10)–15 CSR 30-997.010, 15 CSR 30-997.020, etc. This way, you should have room to add rules between numbers in the future should the need to do so arise.

For more about rule numbering please see page 5.02A of *Rulemaking 1-2-3 Drafting and Style Manual* which can be found online at <http://www.sos.mo.gov/adrules/manual/manual.asp>.