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**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

Proposed Rule
LSA Document #04-76

DIGEST

Adds 460 IAC 2-2.1 to reestablish and maintain a board of interpreter standards that was established by a previous rule that has expired, including composition of the board and its powers and duties that enable the board to determine the necessary competency and proficiency standards for sign language interpreters and oral interpreters. Effective 30 days after filing with the secretary of state.

460 IAC 2-2.1

SECTION 1. 460 IAC 2-2.1 IS ADDED TO READ AS FOLLOWS:

Rule 2.1. Board of Interpreter Standards

460 IAC 2-2.1-1 Purpose

Authority: IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 1. The purpose of this rule is to protect the public and persons who are deaf or hard of hearing from misrepresentation, by establishing a board of interpreter standards and providing powers and duties to enable the board to determine the necessary competency and proficiency standards for sign language interpreters and oral interpreters. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-2.1-1*)

460 IAC 2-2.1-2 Definitions

Authority: IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-9-1-1; IC 12-12-1-2; IC 12-12-7

Sec. 2. The following definitions apply throughout this rule:

- (1) "ASL" means American Sign Language.
- (2) "ASLTA" means American Sign Language Teacher Association.
- (3) "Board" means the board of interpreter standards under the administration of the unit.
- (4) "Deaf person" or "hard of hearing person" means a person who meets the following criteria:
 - (A) Has a hearing loss that prevents the person from receiving and understanding voice communication with or without amplification.
 - (B) Uses at least one (1) of the following as a primary means of communication:
 - (i) ASL.
 - (ii) English-based signed systems.
 - (iii) Tactile methods.
 - (iv) Writing.
 - (v) Reading.
 - (vi) Speech reading.
 - (vii) Finger spelling.
 - (viii) Beneficial assistive devices.
- (5) "Division" means the division of disability, aging, and rehabilitative services established under IC 12-9-1-1.
- (6) "Educational interpreter" means a person who performs the service of interpreting or transliterating in

an educational setting.

(7) "Interpreter" means a person who performs the service of interpreting or transliterating.

(8) "Interpreting" means any method of interfacing communication between a deaf or hard of hearing person and a person who is not deaf or hard of hearing and includes:

- (A) oral interpreting;
- (B) sign language interpreting; or
- (C) transliterating.

(9) "NAD" means the National Association of the Deaf.

(10) "Oral interpreting" means the process of interpreting or transliterating a spoken message from a hearing person to a deaf or hard of hearing person, or from a deaf or hard of hearing person to a hearing person, excluding sign language interpreting, as follows:

- (A) Using clear articulation or voiceless repetition.
- (B) Using natural facial expressions and natural gestures.
- (C) Placing an emphasis on speech reading.
- (D) Understanding and repeating the message and the intent of the message.
- (E) Understanding and repeating the speech and mouth movements of the deaf or hard of hearing person.

(11) "Registered interpreter" means a person who has met the criteria established by the board in accordance with 460 IAC 2-3 and is registered by the board.

(12) "RID" means the Registry of Interpreters for the Deaf.

(13) "Sign language interpreting" means the process of conveying a message:

- (A) produced in ASL into an equivalent message in spoken or written English; or
- (B) in spoken or written English into an equivalent message in ASL.

(14) "Translating" means the process of presenting:

- (A) written or spoken English into an English-based sign system; or
- (B) an English-based sign system in written or spoken English.

(15) "Unit" means the unit for the deaf and hard of hearing services established under IC 12-12-1-2.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-2.1-2)

460 IAC 2-2.1-3 Appointment of the board

Authority: IC 12-9-2-3; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 3. (a) The unit shall make a public announcement to all prospective candidates in Indiana who wish to serve on the board. The prospective candidates shall submit a vita to the unit within thirty (30) days of the date of the public announcement.

(b) The board shall consist of seven (7) members. At least three (3) of the seven (7) members shall be persons who are deaf or hard of hearing.

(c) Board members shall meet at least one (1) of the following:

(1) Knowledge of the interpreting process, which includes having at least three (3) of the following:

- (A) RID, NAD, or ASLTA certification.
- (B) Membership in a deaf association.
- (C) Graduation from an interpreter education program.
- (D) One hundred (100) clock hours of attendance in a workshop regarding the interpreting process.
- (E) One hundred (100) clock hours of ASL studies.

(2) At least five (5) years of documented experience as a provider or consumer of interpreting services.

(3) Three (3) letters of recommendation attesting to the following:

- (A) Knowledge of interpreting.
- (B) Fluency in ASL and English.

(d) Original appointments to the board shall be made in the following manner:

(1) Four (4) members for a term of two (2) years.

(2) Three (3) members for a term of three (3) years.

All members subsequently appointed shall serve a term of three (3) years and may be appointed for one (1) additional term. If a member of the board resigns, dies, or is removed, the new appointee shall serve the remainder of the unexpired term. Board members shall not be eligible for reappointment for at least one (1) year after serving two (2) consecutive terms.

(e) The board shall meet as needed and upon request by the board chairperson and board members.

(f) The board members shall elect a chairperson who shall serve a term of two (2) years and shall be eligible for reelection for an additional two (2) years.

(g) The board may request from the unit the purchase of materials for the operation of the board.

(h) The board, in cooperation with the unit, shall annually hold a public meeting to receive recommendations from consumers on upgrading the qualifications, functions, and registration of interpreters, and on policies concerning registration of interpreters. However, the board may receive program recommendations at any time prior to or after the annual public hearing. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-2.1-3*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 23, 2004 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule concerning the board of interpreter standards for sign language interpreters and oral interpreters. An interpreter will be present at the hearing. If another accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Rachel McGeever
General Counsel
Division of Disability, Aging, and Rehabilitative Services