



California Coalition

Of Agencies Serving Deaf & Hard of Hearing Persons, Inc.

California Association of
the Deaf (CAD)
Kavita Pipalia, President
www.cad.1906

September 4, 2020

REGION I

Patricia Sieglen-Perry,
Executive Director
Deaf Community Services of
San Diego, Inc.
3930 Fourth Avenue, Suite 300
San Diego, CA 92103
www.dcsosfd.org

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814
(sent by E-mail and US Post Office)

REGION II

Lisa Price, Regional Director
Center on Deafness Inland
Empire
3576 Arlington Avenue #211
Riverside, CA 92506
www.codie.org

Dear Governor Newsom:

I am sending this message to make you aware that AB 2257, as submitted for your signature, identified and singled out a specific certification entity for sign language interpreters, excluding others that are available, in violation of federal and state laws.

REGION III

Jacinto Contrera
Regional Director
Orange County Deaf Equal
Access Foundation
6022 Cerritos Avenue
Cypress, CA 90630
www.ocdeaf.org

We are two statewide organizations: The Coalition of Agencies Serving the Deaf and Hard of Hearing, and the California Association of the Deaf (CAD). The Deaf Coalition is comprised of 8 Deaf Service Agencies providing employment, advocacy, social services, and emergency services in addition to interpreting services in all 58 counties. As service providers, we employ and contract with sign language interpreters. CAD is a statewide membership association promoting civil rights for all Deaf Californians. Both organizations recognize the importance to support Deaf and Hard of Hearing Californians who are Black, Indigenous, and People of Color (BIPOC) and those who come from limited English-speaking households that benefit from BIPOC and Deaf interpreters. It is *of, by and for* our Community that we strongly protest naming only one certification entity in this bill.

REGION IV

Patricia Hughes, Ph.D., CEO
Greater Los Angeles Agency on
Deafness, Inc.
2222 Laverna Avenue
Los Angeles, CA 90041
www.gladinc.org

REGION V

Hal Suddreth-Hunter
Regional Director
Tri County-GLAD
702 County Square Drive,
Suite 101
Ventura, CA 93003
www.tcglad.org

As Deaf Leaders, we also rely on interpreting services for communication access in our professional work. We are consumers of interpreting services in our personal lives as is the rest of our Community whom we serve, such as for medical appointments, court proceedings, school meetings, shelters, college classes, weddings, funerals, and all other aspects of our daily lives.

REGION VI

Michelle Bronson,
Executive Director
Deaf and Hard of Hearing
Service Center, Inc.
5340 North Fresno Street
Fresno, CA 93710
www.dhsc.org

The bill wrongfully and exclusively identifies the Registry of Interpreters for the Deaf (RID) as the only recognized certification for sign language

REGION VII

Sheri A. Farinha, CEO
NorCal Center on Deafness
4708 Roseville Road, Suite 112
North Highlands, CA 95660
www.norcalcenter.org

REGION VIII

Raymond Rogers
Executive Director
Deaf Counseling, Advocacy &
Referral Agency
14895 E. 14th Street, Suite 200
San Leandro, CA 94578
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interpreters. (See proposed Labor Code Section 2777(b)(7)(A) and (B).) RID is an organization with a failed history, one that is based in MD, and not California.

Exclusion of Interpreters who are BIPOC or Deaf

By naming RID as the only entity for sign language certification and registry, this bill curtails the ability of sign language interpreters in California, specifically those who are BIPOC and/or Deaf to work as independent contractors. Discrimination against Deaf and BIPOC individuals wanting to work as sole proprietors and accept work from referral agencies violated federal and state civil rights laws.

As reflected in its 2018 annual report, the pool of RID interpreters is predominantly white and not Deaf as reflected in their membership:

- 4% who are Deaf,
- less than 15% who are BIPOC
- less than 13% who are native ASL signers (who grew up with Deaf parents).

Inadequate and Expensive Testing Process

With a passing rate of less than 25%, the total fee for certification exams and retakes easily run over a thousand dollars. RID has a terrible track record with balancing economies of scales and posing financial barriers to BIPOC and Deaf interpreters. Thus, this bill promotes a monopoly counter to California's antitrust law prohibiting anti-competitive activities.

In the past 18 months, 14 interpreters received certification in California and 20 for the entire 9-state western region including California.¹ With just over 1,000 RID interpreters in the state, the supply of interpreters cannot meet the needs for interpreting services needed by schools, colleges, hospitals, courts and other entities to comply with Unruh Civil Rights Act, the California Disabled Persons Act and other disability rights laws. Limiting the interpreters working as independent contractors to those who RID interpreters will only exacerbate the current interpreter shortage.

Until now, there has been no law in California naming a certifying body for sign language interpreters, and this proposed law should be no exception. If signed into law, sign language interpreters who are otherwise qualified to provide interpreting services will be forced to register with only one entity.

¹ Information taken from Views, RID's quarterly publication.

As Deaf Leaders, we appreciate Assembly member Gonzalez and thank her for recognizing our agencies and other interpreting agencies as referral agencies to be exempt from the ABC Test. However, we had sent a letter cautioning her to avoid naming any one single certifying body in order to recognize other quality assurance entities that exist in the United States and provide sign language interpreters with choices of affordable certification. We also shared our concerns with other groups advocating for changes in the cleanup bill, most who are not Deaf and did not heed our warnings. So, it appears, no one caught this huge mistake and that's why we are bringing this to your attention.

Lack of active Deaf Interpreter Certification

Moreover, this proposed law will encourage a MONOPOLY of an organization (RID) that has NO active certification for Deaf Interpreters although its website list Certified Deaf Interpreter as one of their active certifications. This information is confusing and misleading as the certification has not been available for several years. In the last 18 months, only 2 Deaf interpreters in the country received provisional certifications (in lieu of available exams).²

This summer, in response to the dire need for more Deaf Interpreters, a statewide committee of Deaf and Hard of Hearing BIPOC community members was formed to establish alternative methods for qualifying Deaf and Hearing BIPOC interpreters. There are concerns that this proposed bill will render ineffective any quality assurance recommended by this committee.

Though the bill allows for situations where no such certification exists, the bill does not provide how an existing certification that is otherwise unavailable would be interpreted by Employment Development Department in the event of an audit.

We realize you intend to sign off on the amended version to AB5 law, however, this law would still jeopardize the very people you are trying to protect.

Recommended Language

We recommend that “Registry of Interpreters for the Deaf (RID)” be replaced with: *“Any local, state or national entity officially recognized to evaluate and determine qualified sign language interpreters.”*

² Information taken from Views, RID's quarterly publication.

This definition also is in alignment with the Federal law, the Americans with Disabilities Act which uses the terminology “qualified” interpreters. Qualified is defined as:

able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary.

“Nothing about Us, without Us”

As our honorable Governor, and California Legislature, we plead with you to remember there are Deaf leaders working around the clock to provide who providing critical human services in California, we ask that you remember to include us at the table, any legislation impacting the lives of Deaf and Hard of Hearing consumers whom we serve on a daily basis.

We will return in the 2021 legislative session to request these changes be made with yours and the California Legislatures full support.

Sincerely,

Sheri A Farinha, Chair, CA Coalitions Serving Deaf & Hard of Hearing

cc: California Legislature

CA Attorney General

California Association of the Deaf (CAD)

California Coalition of Agencies Serving the Deaf & Hard of Hearing:

California BIPOC Deaf Community

California Office of Emergency Services (CalOES)

California Department of Social Services (CDSS)

California Health & Human Services Division (CHHS)