

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 62**

As Agreed to March 29, 2022

Brief*

SB 62 would amend state standards for free school-administered vision screenings, establish the Kansas Children's Vision Health and School Readiness Commission, authorize the Kansas Commission for the Deaf and Hard of Hearing to adopt rules and regulations, establish a sign language interpreter registration process, and provide guidelines for communication access services.

Interpreter Registration

The bill would require any person seeking to interpret in the state to be registered with the Kansas Commission for the Deaf and Hard of Hearing (CDHH) by submitting an application, as prescribed by the CDHH, and paying the registration fee. To be registered, the bill would require all applicants to:

- Have obtained a high school diploma or equivalent certificate;
- Be 18 years of age or older;
- Have no other record of disqualifying conduct as determined by the CDHH; and
- Have obtained a certification or other appropriate credential as determined by the CDHH.

Reciprocity Registration

The bill would allow the CDHH to establish a reciprocity system where applicants licensed in another state, territory, or the District of Columbia may be registered if the CDHH deems the applicant to have substantially met the qualifications of this State. Applicants seeking registration in this manner would be required to provide evidence and verification of their licensure or registration in their original state.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

Temporary Registration

The bill would allow the CDHH to provide temporary registration for nonresidents who are licensed or registered in their state of residence. The temporary registration would allow the individual to interpret no more than 20 separate days in the state within a year.

Registration Expiration and Notification

Expiration of an interpreter's registration would be determined by the CDHH under its rules and regulations authority. The bill would require notice of renewal be sent to all interpreters a minimum of 60 days prior to expiration of their registration. The bill would also provide a 30-day grace period after the expiration of an interpreter's registration without incurring a late fee. Following the grace period, the CDHH would be authorized to charge a late fee not to exceed \$200. The fee would be set in the CDHH's rules and regulations.

An interpreter whose registration has expired without submitting a renewal application could renew their registration upon payment of the late fee and submission of their evidence showing continuing education requirements have been met. The bill would allow the CDHH to require additional testing, training, or education for interpreters seeking registration renewal after the 30-day grace period.

Continuing Education

The bill would require all registered interpreters to attend a minimum of 30 hours of continuing education programming within a 2-year period as a condition for registration renewal.

Fingerprinting and Background Checks

The bill would authorize the CDHH to require applicants for registration as interpreters to be fingerprinted and submit to both state and federal criminal history record checks. The CDHH would be allowed to use the information garnered from this practice to determine an applicant's qualifications and fitness for registration as an interpreter.

The bill would direct local and state law enforcement agencies to assist the CDHH in taking the fingerprints of applicants and may charge a fee for expenses incurred to the CDHH. The Kansas Bureau of Investigation would also be required to release all the applicant's adult convictions to the CDHH.

The CDHH would be allowed to fix and collect a fee in an amount equal to the cost of the fingerprinting and criminal history record check services provided.

Denial of Registration

The bill would authorize the CDHH to deny, condition, limit, revoke, or suspend registration of any individual who:

- Has been found incompetent or negligent in the practice of interpreting;

- Has been convicted of a felony offense or a misdemeanor against persons and is deemed not sufficiently rehabilitated by the CDHH;
- Submits an application containing false, misleading, or incomplete information;
- Fails or refuses to provide any information requested by the CDHH;
- Fails or refuses to pay required fees;
- Is currently listed on a child abuse or adult protective services registry and is deemed not sufficiently rehabilitated by the CDHH;
- Had a license, registration, or certificate to practice as an interpreter revoked, suspended, or limited or been subject of other disciplinary action by another state, territory, or the District of Columbia; or
- Had an application for such license, registration, or certificate denied by another state, territory, or the District of Columbia.

Proceedings

The bill would require all administrative and disciplinary proceedings regarding interpreter registration be conducted in accordance with the Kansas Administrative Procedure Act and be subject to the Kansas Judicial Review Act.

Rules and Regulations

The bill would require the executive director of the CDHH (Director) and the CDHH to adopt rules and regulations regarding, but not limited to, the following:

- Fees;
- Categories of interpreter certification and endorsements;
- Continuing education requirements and programs for registered interpreters;
- Code of professional conduct;
- Supervision and mentorship requirements and programs;
- Suspension and revocation of interpreter registration; and
- Other matters deemed necessary by the Director to effectuate provisions of the bill.

Unlawful Acts

The bill would make it unlawful for persons not registered with the CDHH to:

- Practice as an interpreter;

- Hold out to the public the intention, authority, or skill to interpret;
- Provide video remote interpreting services; or
- Use a title or abbreviation to indicate one is an interpreter registered with the Commission.

The bill would also deem the following actions by an individual to be unlawful:

- Causing or permitting a person to interpret in the state with the knowledge that such person is not registered with the CDHH;
- Representing a person as a registered interpreter when it is known or should be reasonably known such person is not registered;
- Holding out a person to the public, on behalf of such person, the intention, skill, or authority to interpret when it is known or should be reasonably known such person is not registered; and
- Accepting payment for securing an interpreter when the person provided is not registered.

The bill would exempt from the registration requirements in the bill:

- A person interpreting during a religious event;
- A person interpreting as a volunteer without compensation after receiving approval from the Director or CDHH;
- A person interpreting during an emergency until registered services can be obtained; or
- A student enrolled in and pursuing a degree or credential in interpreting or an interpreter training program or a provisional interpreter with a supervision plan overseen by the CDHH.

The bill would authorize the CDHH to bring action against individuals committing the aforementioned unlawful activities in a court of competent jurisdiction in order to seek an injunction against the individual.

Communication Access Services

The bill would require the CDHH to develop guidelines for the utilization of communication access services, communication access service providers, and interpreter service agencies. The Director could adopt rules and regulations for communication access services regarding, but not limited to:

- Fees;
- Determination of qualifications;

- Minimum standards of training;
- Registration;
- Code of professional conduct;
- Standards of equipment or technology;
- A system of statewide coordination; and
- Any other matter the Director deems necessary to effectuate this section of statute.

The bill would authorize the CDHH to carry out fingerprinting and state and federal criminal history checks for communication access service providers in the same manner as prescribed for interpreters. Local and state law enforcement would be required to assist with fingerprinting and would be permitted to charge a fee as reimbursement for expenses in the same manner as prescribed for interpreters.

The bill would also allow the CDHH to use the information garnered from this practice to determine an applicant’s qualifications and fitness for registration as a communication access service provider and charge a fee equal to the cost of delivering such services..

Fee Fund

The bill would establish the Commission for the Deaf and Hard of Hearing Registration Fee Fund (Fund). The bill would provide provisions for the remittance of moneys to be deposited into the State Treasury and credited to the Fund.

Definitions

The bill would define the following terms:

- “Accredited nonpublic school” would mean all nonpublic elementary and secondary schools accredited by the State Board of Education;
- “Board of education” would mean the board of education of any school district;
- “Commission” would mean the CDHH;
- “Communication Access Services” would mean, but not be limited to the following;
 - Communication access realtime translation services;
 - Notetakers;
 - Open and closed captioning services;
 - Support service providers for the deaf-blind; and
 - Any other effective method of making aurally delivered information available to individuals who are deaf or had of hearing;

- “Communication Access Service Provider” means an individual who is trained to offer a communication access service to an individual who is deaf, hard of hearing, or has speech and language impairments;
- “Executive Director” would mean the executive director for the Kansas Commission for the deaf and hard of hearing;
- “IDEA part B” would mean all statewide programs providing special education and related services to children with disabilities aged three through five in accordance with 20 U.S.C. § 1411, and amendments thereto;
- “Interpreter” would mean an individual engaged in the practice of interpreting;
- “Interpreter Service Agency” would mean an entity that contracts with or employs registers interpreters in order to provide interpretation services for a fee;
- “Interpreting” would mean the translating or transliterating of either English concepts or communication modes for individuals who are deaf, hard of hearing, or have speech and language impairments;
- “School district” would mean any school district organized under the laws of this state;
- “Video Remote Interpreter” would mean an interpreter who engages in interpreting via a videoconferencing platform;
- “Video Remote Interpreting” would mean the process that allows deaf or hard of hearing individuals to communicate with hearing individuals at the same location through an interpreter utilizing a videoconferencing platform; and
- “Vision screener” would mean any school nurse, or the nurse’s designee, or other person who is trained to administer a vision screening test to students in the State of Kansas.

The bill would also amend the definition of “basic vision screening” to mean an age-appropriate eye testing program for each child that is implemented according to the most recent edition of the Kansas vision screening requirements and guidelines and includes referrals for eye examinations and necessary follow-ups.

Frequency of Vision Screenings

The bill would provide children with free basic vision screenings as follows:

- Annually for children with disabilities aged three through five years who are participating in IDEA part B programs;
- At least once each school year for students enrolled in kindergarten and each of the grades one through three, five, seven, and ten in a school district or an accredited nonpublic school; and
- Within the first year of admission for any student enrolled in a school district or an accredited nonpublic school.

Entity Responsible for Providing Vision Screenings

The bill would require the board of education of the school district in which a student is enrolled to provide basic vision screening to every student enrolled in such school district. The bill would require basic vision screening be provided to every student enrolled in an accredited nonpublic school by either the accredited nonpublic school in which the student is enrolled or, upon request by the student's parent or guardian, by the board of education of the school district in which the student resides.

Performance and Reporting of Vision Screenings

The bill would require basic vision screening be performed by a vision screener designated by the board of education or by an accredited nonpublic school. The bill would require vision screeners follow the most recent state vision screening guidelines. The bill would require the results of the screening and any necessary referral for an examination by an ophthalmologist or optometrist be reported to the parents or guardians of the student and require any such referral to show no preference in favor of any ophthalmologist or optometrist.

Kansas Children's Vision Health and School Readiness Commission

Commission Membership and Reimbursement

The bill would require an eight-member Kansas Children's Vision Health and School Readiness Commission (CVHSRC) be established to ensure the implementation of the provisions of the bill, with membership appointed by the State Board of Education and composed of one member representing each of the following: optometrists, ophthalmologists, a health organization dedicated to preventing blindness, the Kansas State Department of Education, the Kansas Department of Health and Environment, school nurses, public health nurses, and school administrators. The bill would require that the CVHSRC members serve without reimbursement for meeting expenses.

Duties of the Commission

The bill would establish the following duties of the CVHSRC:

- Overseeing the revision of state vision screening requirements and guidelines at least once every seven years;
- Providing standardized vision screening referral letters and eye professional examination reports as referenced in the Kansas vision screening requirements and guidelines;
- Identifying state resources that assist in providing opportunities to offer free or low-cost eye exams for students who fail vision screenings and are unable to afford an examination on their own; and

- Establishing a system to collect data from school health personnel concerning the results of the original screenings and referral outcomes, and issuing an annual report to the Secretary of Health and Environment and the Commissioner of Education.

Commission for the Deaf and Hard of Hearing

The bill would amend the responsibilities of the CDHH by including a charge to provide public education on best practices for language acquisition development among deaf and hard of hearing children as well as promote the eradication of ignorance and discrimination toward deaf and hard of hearing individuals in schools and employment.

The bill would also authorize the CDHH to carry out the programs established in the bill, become a member or affiliate with professional organizations related to the Commission's scope, and undertake acts necessary to carry out the CDHH's powers, duties, and functions.

The bill would allow the CDHH to fix, charge, and collect reasonable fees for interpreter registration, communication access services, and sign language instruction.

Commission for the Deaf and Hard of Hearing – Executive Director

The bill would require the Director to report directly to the Deputy Secretary or Secretary for Children and Families. It would also require the Director be paid a comparable salary to executive directors of other commissions and provide that the CDHH must supervise and evaluate the Director. The Director would also be authorized to provide statewide coordination for communication access services.

The bill would make technical conforming amendments.

Conference Committee Action

The Conference Committee agreed to the provisions of SB 62, as further amended by the House Committee on Education, and agreed to insert the contents of SB 185, as amended by the Senate Committee of the Whole, regarding the Kansas Commission for the Deaf and Hard of Hearing and the registration of sign language interpreters by said commission.

[*Note:* The contents of SB 62, as further amended by the House Committee on Education, are the same as those of SB 62, as passed out by the Senate.]

Background

The Conference Committee agreed to add the contents of SB 185, as amended by the Senate Committee of the Whole, to SB 62, as further amended by the House Committee on Education.

SB 62 (School-Administered Vision Screenings)

The bill was introduced by the Senate Committee on Education at the request of Senator Baumgardner.

[*Note:* SB 62 contains provisions similar to provisions in 2020 HB 2346, as amended by the House Committee on Children and Seniors, with some technical differences. The House Committee on Education adopted, and then removed, provisions related to emergency albuterol kits. SB 62, as amended, is identical to 2021 SB 62, as introduced.]

Senate Committee on Education

In the Senate Committee hearing on February 4, 2021, **proponent** testimony was provided by representatives of the Kansas Association of School Boards, Kansas Vision Coalition Task Force, and Olathe Public Schools (USD 233). Written-only proponent testimony was provided by a representative of the Kansas School Nurses Organization. Proponents generally stated the bill would lead to better vision health for students by standardizing the occurrence of vision screenings statewide, providing for regular vision screening guidelines updates, and ensuring parents and guardians are aware of the need for referrals and resources.

Written-only neutral testimony was provided by the State Board of Education.

House Committee on Education

In the House Committee hearing on March 10, 2021, a representative of the Kansas Optometric Association, on behalf of the Kansas Vision Coalition, and representatives of the Kansas Association of School Boards and the Kansas School Nurses Organization provided **proponent** testimony.

Written-only proponent testimony was provided by another representative of the Kansas School Nurses Organization.

Written-only neutral testimony was provided by the State Board of Education.

On March 25, 2021, the House Committee amended the bill to add provisions regarding the administration of albuterol in certain emergency situations by school districts and accredited nonpublic schools. On February 15, 2022, the House Committee amended the bill to remove such provisions related to the administration of albuterol.

Fiscal Information

An updated fiscal note on SB 62, as amended, was not immediately available.

SB 185 (Commission for the Deaf and Hard of Hearing)

The bill was introduced by the Senate Committee on Education at the request of Senator Baumgardner.

Senate Committee on Education

In the Senate Committee hearing, proponent testimony was provided by both the Executive Director and Chairperson of the Commission for the Deaf and Hard of Hearing. The proponents generally stated the bill would help clarify and remove obstacles so that the Commission can better carry out its duties.

No neutral or opponent testimony was provided.

Senate Committee of the Whole

The Senate Committee made a technical amendment to the bill. [*Note:* The Conference Committee retained amendments made by the Senate Committee of the Whole.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department for Children and Families (DCF) estimates the Commission would expend approximately \$25,085 of fee revenue in FY 2022 to conduct background and abuse registry checks. The Commission estimates it would receive approximately \$19,385 per year in registration fees for 389 interpreters, based on a \$100 initial registration fee with renewal every two years and lesser fees for temporary and provisional licenses. An additional revenue of \$5,700 is estimated to be collected from 95 interpreters for background checks as the remaining interpreters would be exempt due to employers already requiring said services. Finally, the DCF estimates expending \$15,000 of salaries and wages from existing resources to support the Commission's new licensing requirements. Any fiscal effect associated with the bill is not reflected in The FY 2022 Governor's Budget Report.

Education; vision screenings; Kansas Children's Vision Health and School Readiness Commission; Kansas Commission for the Deaf and Hard of Hearing; Department for Children and Families; licensure; interpreters; rules and regulations

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