

Vision Screenings and Interpreter Licensure; SB 62

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

Interpreter Registration

The bill requires 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 requires 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 allows 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 Kansas qualifications. Applicants seeking registration in this manner would be required to provide evidence and verification of their licensure or registration in their original state.

Temporary Registration

The bill allows the CDHH to provide temporary registration for nonresidents who are licensed or registered in their state of residence. The temporary registration allows 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 will be determined by the CDHH under its rules and regulations authority. The bill requires notice of renewal to be sent to all interpreters a minimum of 60 days prior to expiration of their registration. The bill also provides a 30-day grace period after the expiration of an interpreter's registration without incurring a late fee. Following the grace period, the CDHH is authorized to charge a late fee not to exceed \$200. The fee will 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 allows the CDHH to require additional testing, training, or education for interpreters seeking registration renewal after the 30-day grace period.

Continuing Education

The bill requires 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 authorizes 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 is allowed to use the information garnered from this practice to determine an applicant's qualifications and fitness for registration as an interpreter.

The bill directs 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 is required to release all the applicant's adult convictions to the CDHH.

The CDHH is 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 authorizes 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 requires all administrative and disciplinary proceedings regarding interpreter registration to be conducted in accordance with the Kansas Administrative Procedure Act and be subject to the Kansas Judicial Review Act.

Rules and Regulations

The bill requires 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 makes 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 also deems 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 exempts the following individuals 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 authorizes 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 requires the CDHH to develop guidelines for the utilization of communication access services, communication access service providers, and interpreter service agencies. The Director may 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 authorizes 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 is 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 also allows 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 establishes the Commission for the Deaf and Hard of Hearing Registration Fee Fund (Fund). The bill provides provisions for the remittance of moneys to be deposited into the State Treasury and credited to the Fund.

Definitions

The bill defines the following terms:

- “Accredited nonpublic school” means all nonpublic elementary and secondary schools accredited by the State Board of Education;
- “Board of education” means the board of education of any school district;
- “Commission” means the CDHH;
- “Communication Access Services” means, but not be limited to the following;
 - Communication access real-time 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” means the executive director for the Kansas Commission for the deaf and hard of hearing;
- “IDEA part B” means 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” means an individual engaged in the practice of interpreting;

- “Interpreter Service Agency” means an entity that contracts with or employs registers interpreters in order to provide interpretation services for a fee;
- “Interpreting” means 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” means any school district organized under the laws of this state;
- “Video Remote Interpreter” means an interpreter who engages in interpreting via a videoconferencing platform;
- “Video Remote Interpreting” means 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” means 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 also amends 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 provides 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 requires 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 requires basic vision screening to 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 requires basic vision screening to be performed by a vision screener designated by the board of education or by an accredited nonpublic school. The bill requires vision screeners to follow the most recent state vision screening guidelines. The bill requires the results of the screening and any necessary referral for an examination by an ophthalmologist or optometrist to 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 establishes an eight-member Kansas Children's Vision Health and School Readiness Commission (Commission) 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 State Department of Education, the Kansas Department of Health and Environment, school nurses, public health nurses, and school administrators. The bill requires the Commission members to serve without reimbursement for meeting expenses.

Duties of the Commission

The bill establishes the following duties of the Commission:

- Oversee the revision of state vision screening requirements and guidelines at least once every seven years;
- Provide standardized vision screening referral letters and eye professional examination reports as referenced in the Kansas vision screening requirements and guidelines;
- Identify 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
- Establish 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 amends 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 also authorizes 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 allows 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 requires the Director to report directly to the Secretary or Deputy Secretary for Children and Families. The bill also requires the Director to be paid a comparable salary to executive directors of other commissions and provide that the CDHH must supervise and evaluate the Director. The Director is authorized to provide statewide coordination for communication access services.