



Councilmember Charles Allen

AN AMENDMENT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DATE: September 22, 2020

OFFERED BY: Councilmember Charles Allen

TO: B23-147, the “Office for the Deaf, Deafblind, and Hard of Hearing Establishment Amendment Act of 2020”

VERSION: Engrossment X

Amendment

Section 2 is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is repealed.

(2) The amendatory paragraph (3D) within paragraph (2) is amended by striking the word “community” and inserting the word “communities” in its place.

(3) Paragraph (3) is amended as follows:

(A) The amendatory paragraph (5A) is amended by striking the phrase “amplification devices to hear oral communications” and inserting the phrase “amplification or other devices to hear and comprehend oral communications” in its place.

(B) The amendatory paragraph (5B) is amended by striking the phrase “community through certified interpreters” and inserting the phrase “communities through qualified interpreters” in its place.

(4) A new paragraph (5) is added to read as follows:

“(5) A new paragraph (9A) is added to read as follows:

“(9A) “Qualified interpreter” means a specialist who provides interpreting, translation, and transliteration services in American Sign Language or other visual and tactile communication forms used by individuals who are deaf, deafblind, or hard of hearing, and is certified by ODDHH or a credentialing program or organization recognized by ODDHH.”.”.

(b) Subsection (b) is amended as follows:

(1) The amendatory paragraph (6) within paragraph (1)(C) is amended by striking the word “community” and inserting the word “communities” in its place.

(2) The amendatory paragraph (3) within paragraph (2)(C) is amended by striking the word “community” and inserting the word “communities” in its place.

(c) Subsection (c) is amended as follows:

(1) The amendatory subsection (b) is amended by striking the word “community” both times it appears and inserting the word “communities” in its place.

(2) The amendatory subsection (c) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “shall be a member of the deaf, deafblind, and hard of hearing community” and inserting the phrase “shall be deaf, deafblind, or hard of hearing” in its place.

(B) Paragraph (3) is amended by striking the word “community” and inserting the word “communities” in its place.

(3) The amendatory subsection (d) is amended by striking the word “community” and inserting the word “communities” in its place.

(4) The amendatory subsection (e) is amended as follows:

(A) Strike the word “community” wherever it appears and insert the word “communities” in its place.

(B) Strike the phrase “certified interpreters” wherever it appears and insert the phrase “qualified interpreters” in its place.

Rationale

This amendment replaces the new defined term “certified interpreter” with the term “qualified interpreter,” and it makes changes to how American Sign Language (“ASL”) interpreters will be determined to be a qualified interpreter. Specifically, it removes a statutory prescription that ASL interpreters be certified by a specific entity or program; instead, it allows the newly created Office for the Deaf, Deafblind, and Hard of Hearing (“ODDHH”) to certify itself that ASL interpreters are qualified interpreters or to recognize a credentialing program or organization that will certify ASL interpreters as qualified interpreters. Advocates noted that interpreters of color are vastly underrepresented among interpreters certified through traditional channels; allowing ODDHH to design a District-specific certification process will provide an opportunity to increase the number of available interpreters of color in the District. Further, the Americans with Disabilities Act and the Equal Employment Opportunity Commission both focus on whether interpreters are *qualified* rather than *certified*.

This amendment also changes the defined term “deaf, deafblind, and hard of hearing *community*” to “*communities*.” This recognizes that each of the Deaf, deafblind, and hard of hearing communities have unique needs.

Fiscal Impact

This amendment will not have a fiscal impact.



OFFICE OF THE GENERAL COUNSEL

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MEMORANDUM

TO: Councilmember Charles Allen

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: September 19, 2020

RE: Legal sufficiency determination for Amendment to Bill 23-147, the Office for the Deaf, Deafblind, and Hard of Hearing Establishment Amendment Act of 2020

The amendment is legally and technically sufficient for Council consideration.

The amendment would replace the term "certified interpreter" with the term "qualified interpreter", which would mean "a specialist who provides interpreting, translation, and transliteration services in American Sign Language or other visual and tactile communication forms used by individuals who are deaf, deafblind, or hard of hearing, and is certified by the Office for the Deaf, Deafblind, and Hard of Hearing ("ODDHH") or a credentialing program or organization recognized by ODDHH. The amendment would replace the phrase "deaf, deafblind, and hard of hearing community" with the phrase "deaf, deafblind, and hard of hearing communities" throughout the bill.

I am available if you have any questions.

COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director

DATE: September 18, 2020

SHORT TITLE: B23-147, the "Office for the Deaf, Deafblind, and Hard of Hearing Establishment Amendment Act of 2020" (engrossed version)

TYPE: Amendment

REQUESTED BY: Councilmember Charles Allen

Jennifer
Budoff,
Budget
Director

Digitally signed by Jennifer
Budoff, Budget Director
DN: cn=Jennifer Budoff, Budget
Director, o=Council of the
District of Columbia, ou=Office
of the Budget Director,
email=jbudoff@dcouncil.gov,
c=US
Date: 2020.09.21 15:46:47 -0400

Conclusion

This amendment would not have an impact on the District's budget or financial plan because there is no cost to implement these changes; however, the underlying legislation remains subject to appropriations. The fiscal impact statement (FIS) issued by the Office of the Chief Financial Officer on July 14, 2020, estimated costs of \$836,000 in FY21 and \$3.26M over the four-year financial plan.

Background

The proposed amendment modifies the legislation's newly defined term "certified interpreter" to be "qualified interpreter" and allows the newly created Office for the Deaf, Deafblind, and Hard of Hearing ("ODDHH") to certify an ASL interpreter as a qualified interpreter or to recognize a credentialing program or organization that will certify an ASL interpreter as a qualified interpreter. The amendment also makes a number of conforming and minor clarifying changes to the underlying bill.