



Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons

January 1, 2024



Judicial Council of California

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Preamble

Evidence Code section 754 requires that in any civil or criminal action—including any action involving a traffic or other infraction, juvenile court proceeding, proceeding to determine the mental competency of a person, or administrative hearing where a party or witness is a deaf or hard-of-hearing person and that person is present and participating—the proceeding shall be interpreted in a language that the deaf or hard-of-hearing person understands by a qualified interpreter appointed by the court or other appropriate authority. A “qualified interpreter” is defined as “an interpreter who has been certified as competent to interpret court proceedings by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hard of hearing.” (Evid. Code, § 754(f).)

Evidence Code section 754 further requires the Judicial Council to establish guidelines under which it will determine which testing organizations, agencies, or educational institutions will be approved to administer tests and certify court interpreters for deaf and hard-of-hearing persons and provides that an initial approval of testing entities shall occur before July 1, 1992. The Judicial Council, therefore, establishes the following guidelines.

In these guidelines, the term “certified court interpreter” is used to mean a sign language interpreter who is certified to interpret in court proceedings. “Certifying organization” refers to the entity under whose auspices the evaluation of applicant interpreters is conducted. “Evaluating panel/board” refers to the persons who rate the applicant interpreters. Oral interpreting, services to hard-of-hearing individuals such as assistive listening devices, interpreting for deaf/blind individuals, and other forms of communicative assistance to persons with hearing disabilities are not covered by these guidelines.

Guidelines

1. Structure and Administration of Evaluating Panels/Boards

- A. The evaluating panel/board and its processes shall be administratively independent of the certifying organization in the testing and certification of individual applicants—that is, the panel/board shall be free of influence from any external sources on decisions affecting the test results and certification of interpreters.
- B. The certifying organization in all its processes shall not discriminate among applicants for certification as to age, sex, race, religion, national origin, disability, sexual

orientation, or marital status and shall include statements on nondiscrimination in every announcement of the certification program. The certifying organization shall provide for access and reasonable accommodation to the testing process for persons with disabilities.

- C. The certifying organization shall possess the knowledge and experience necessary to conduct the testing and certification of court interpreters.
- D. The certifying organization shall have a formal procedure for the selection of evaluating panel/board members. That procedure must include input from certified interpreters and deaf individuals who possess the knowledge and experience required for that purpose.
- E. The certifying organization shall have formal procedures for training of evaluating panel/board members to ensure the consistency of their evaluation over time.
- F. The evaluating panel/board shall include, but not be limited to:
 - 1. A majority of members who are deaf and possesses the knowledge and experience necessary to evaluate court interpreters for deaf persons;
 - 2. Certified interpreters who may themselves be court interpreters or intermediary court interpreters (as defined in Evid. Code, § 754) and possess the knowledge and experience necessary to evaluate court interpreters for deaf persons; and
 - 3. A judge or member of the State Bar of California.
- G. The certifying organization shall hold testing at reasonable cost to the applicant interpreter and with sufficient frequency and diversity of location to ensure that there is reasonable opportunity and accessibility for individuals in all parts of the state to be tested and certified.
- H. The certifying process shall have and maintain:
 - 1. Competence-based standards of performance;
 - 2. A clear process for determining the pass-fail standard for certification and cutoff scores on tests; and
 - 3. An established procedure for the regular and timely review and adjustment of these standards of performance, utilizing input from interpreters, deaf and hard-of-hearing persons, court personnel, and research sources.
- I. The certifying organization shall maintain the confidentiality and integrity of the testing process, including test materials, scoring information, and other sensitive information. The certifying organization shall have a procedure to regularly update, rotate, reformulate, or alter test materials to guarantee that the confidentiality of test items, tapes, scripts, and other materials is protected and that the materials are new to those applicants who are being tested.

- J. On completion of testing, the certifying organization shall issue to qualified interpreters a certificate that clearly identifies the interpreter as certified to interpret in court by this organization and the period of time covered by the certification.
- K. The certifying organization shall furnish to the Judicial Council a list of those interpreters who are certified to interpret in court proceedings and shall keep this list up to date by immediately informing the Judicial Council of any additions or deletions to this list.
- L. If the certifying organization plans to include in this list those interpreters who were certified to interpret in court proceedings by the organization before the effective date of approval by the Judicial Council to certify court interpreters under these guidelines, the certifying organization shall have a clear and reasonable procedure to do so. This procedure must ensure that interpreters so included meet the competency and knowledge requirements of the certifying organization as approved under these Judicial Council guidelines.
- M. The certifying organization shall have an established and reasonable procedure for assuring the continued competency of certified court interpreters through periodic assessment or other means. Such a certification maintenance process must include efforts by the certifying organization to enhance continued competence of the individual. If continuing education is used as a means of ensuring continued competency, the certifying organization may not require interpreters to enroll in its own education or training program.
- N. The certifying organization shall promptly report certification results to applicants.
- O. The certifying organization shall have and publicize the existence of a reasonable grievance and appeal process for certification applicants who question the certification or testing process, test results, or eligibility for testing.
- P. The certifying organization shall have and publicize the existence of a reasonable complaint process for the public to use in addressing discipline of those holding certificates, including revocation of certification for conduct that clearly indicates incompetence, unethical behavior, and physical or mental impairment affecting performance.
- Q. The certifying organization shall also furnish to the Judicial Council a list of community organizations and contacts that can serve as resources to the court in facilitating the legal process where certified sign language court interpreters are involved.

2. Certification Testing and Test Content

- A. The certification process, including tests and testing procedure, shall be objective, fair, and free of test bias (including, but not limited to, bias as to age, sex, race, religion, national origin, sexual orientation, culture, or class).
- B. The certification process, including tests and testing procedure, shall be directly based on the knowledge and skills needed to function as an interpreter in court proceedings.
- C. Tests and testing processes shall be standardized and nondiscriminatory and shall be shown to be both reliable and valid (particularly relative to the certified court interpreter's subsequent ability to perform in court proceedings) under generally accepted procedures for establishing the validity and reliability of tests.
- D. The certifying organization shall clearly state, and publish in a manner reasonably certain to provide adequate notice to applicants, the certification and testing criteria and the requirements used to certify court interpreters, including information about the competencies required, the level of competency required, and how these competencies are determined.
- E. The certifying process shall be comprehensive in testing for all aspects of the court interpreting process, including:
 - 1. Translation and transliteration competency, which includes:
 - a. American Sign Language competency;
 - b. English language competency; and
 - c. Competency in interpreting language and terminology common to court proceedings;
 - 2. The role, function, and understanding of techniques for working *with* a relay interpreter or other intermediaries or for working *as* a relay interpreter;
 - 3. Understanding of social, cultural, and linguistic aspects of the local, state, and national communities of deaf people;
 - 4. The role and function of court interpreters, including court etiquette;
 - 5. The various court proceedings that commonly and frequently require use of an interpreter or interpreters; and
 - 6. A code of conduct and professional ethics.
- F. If, in addition to testing for the above, a certifying organization establishes education and training requirements that an interpreter must have before certification (such as a high school diploma or college degree), there must be a direct correlation between these requirements and an interpreter's ability to perform in court proceedings. A certifying organization may not require an interpreter to take its own education or training program as a prerequisite to testing or certification.

3. Application to the Judicial Council for Approval to Certify Court Interpreters and Maintenance of Standing

- A. The certifying organization shall provide to the Judicial Council all evidence required to document compliance with these guidelines.
- B. The certifying organization shall advise the Judicial Council of any substantive changes in the structure and administration of the certification process, including any substantive changes in testing techniques or testing content. The certifying organization, agency, or institution shall provide any information about the certification process to the Judicial Council on request.
- C. An approved certifying organization shall provide evidence to the Judicial Council of continued compliance with the guidelines at four-year¹ intervals after initial approval.
- D. An approved certifying organization shall provide evidence of continued compliance with these guidelines before the mandated four-year interval.
- E. The Judicial Council may suspend or revoke its approval of a certifying organization or place conditions on continued approval, if such action is deemed necessary to ensure the quality and/or integrity of court interpreting or this approval process.

4. Exemptions in Critical or Unusual Circumstances

- A. Effective January 1, 2024, the council approved allowing for exemptions for adherence to these guidelines in critical or unusual circumstances for a period of four years to assure that certified ASL court interpreters are available to provide services in California. This allowance may include recognition of another state's testing program, provided that the council can verify that the testing entity is qualified to administer tests to court interpreters for the deaf or hard-of-hearing.²

¹ On December 15, 2009, the Judicial Council adopted the recommendation to revise guidelines 3.C and 3.D of the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* to require the review of approved certifying organizations from every two years to every four years.

² On November 17, 2023, the four-year exemption, effective January 1, 2024, was approved by the council. Under the exemption, the council also approved the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for ASL court interpreter certification temporarily for a period of four years, effective January 1, 2024.

SC:L and BEI Court Interpreter Certification Information

BEI Court Interpreter Exam Information:

Application Fee: \$50
 Court Interpreter Written Exam (prerequisite): \$100
 Court Interpreter Performance Test: \$185

The following table includes comparative information for the RID SC:L and the [BEI](#) court interpreter performance exams.

Exam Information	RID Specialist Certificate: Legal (Performance Exam)	BEI Court Interpreter Certification (CIC) Exam (Performance Exam)*
Stated Purpose	Tested for the demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system	To ensure that interpreters meet the minimum proficiency standards established by the BEI for successfully discharging the responsibilities of a state-certified interpreter
Testing Format	Performance, recorded via video, with supplemental written materials	Performance, recorded via video
Content Covered	Exam that included four vignettes: (1) Miranda Warning, (2) Courtroom Scene, (3) Interpreter Qualification, and (4) Jury Instructions	Six sections: (1) Consecutive (spoken Eng. to/from ASL), (2) Simultaneous (spoken Eng. to ASL), (3) Simultaneous (spoken Eng. to ASL), (4) Simultaneous (ASL to spoken Eng.), (5) Consecutive (spoken Eng. to/from ASL), (6) Sight Translation (written Eng. to ASL)
Length	Warm-up: 75 minutes; test: 75 minutes; typically two hours, but not to exceed three hours total	Total: Approx. 68 min (includes time for introductions, warm-ups, and instructions)
Rating/ Scoring	Candidate performance was rated according to descriptors for each behavioral scale used for each test section. Examples included Syntax, Nonmanual Markers, Phrasing, Neutrality, Integrity of Message, Variation in Interpretation, Affect, Fluency, Recovery/Repair, Register, and Mannerisms.	Interpreting proficiency is measured through scoring units, which are rated objectively according to a scoring dictionary that is updated as novel responses are encountered. Delivery, Adaptability, and Pronunciation/Fluency are judged holistically using a three-point scale, where 1=does not meet expectations, 2=meets expectations, and 3=exceeds expectations.

* Texas Dept. of Assistive and Rehabilitative Services, *Study Guide for BEI Court Interpreter Performance Test Candidates* (2015), www.hhs.texas.gov/sites/default/files/documents/about-hhs/leadership/advisory-committees/bei/BEICourtStudyGuide.pdf. At page 11, the guide notes that the BEI Court Interpreter Performance Test simulates actual interpreted proceedings. Candidates are asked to render the information in the same manner as if they were working as an interpreter. All materials must be interpreted so that the intent, tone, and language level of the speaker, signer, or document are conveyed without distorting or omitting any of the meaning of the original message in the source language, which is essential for court interpreting.

The following table shows continuing education unit (CEU) requirements for the two examinations:

SC:L CEU Requirements	BEI CIC CEU Requirements
<ul style="list-style-type: none"> • Complete 80 contact hours, with a minimum of 60 hours in professional studies. • Of the 60 hours in professional studies, 20 must be in legal interpreting topics. • Complete requirements every four years. 	<ul style="list-style-type: none"> • Maintain 60 hours of interpreting-related topics for generalist credential. • Twenty hours must be in court-related topics, 20 hours in ethics-related topics. • Complete requirements every five years.

ASL Generalist Examinations Accepted by Some States

ASL Generalist Examinations Accepted by Some States
RID Comprehensive Skills Certificate (CSC)
RID Certificate of Interpretation (CI) AND Certificate of Transliteration (CT)
RID Certified Deaf Interpreter (CDI) Certification
Master Comprehensive Skills Certificate (MCSC)
National Interpreter Certification (NIC) level
NIC Advanced level
NIC Master level
National Association of the Deaf (NAD) III (Generalist)
NAD IV (Advanced)
NAD V (Master)

Additional Information Obtained by Judicial Council Staff From Texas Staff

1. Do other states need to enter into any kind of legal or other type of agreement regarding the process to allow their candidates to test in Texas?

There is no need to enter into any kind of legal agreement.

To sit for the Texas BEI court performance test, the candidate must meet our established [eligibility requirements](#) for court certification.

An applicant must already be BEI certified at the Advanced or Master level or hold a RID certification (Comprehensive Skills Certificate, Certificate of Interpretation/Certificate of Transliteration, Reverse Skills Certificate, Certified Deaf Interpreter, Master Comprehensive Skills Certificate, National Interpreter Certification Advanced, or National Interpreter Certification Master).

In addition, the applicant must have passed the court interpreter written test before being eligible to sit for the signing/performance test.

If the candidate does not have RID or BEI certification (Advanced or Master level), the candidate may opt to pursue BEI general certifications. The general certification process includes a written exam (Test of English Proficiency) and then a performance test (Basic, Advanced, and Master). For out-of-state candidates seeking a Texas BEI general certification, we have a couple of options. A candidate can choose to apply for and schedule a TEP written test first (traveling to a designated testing site within Texas), then upon passing, apply to take the performance test (traveling to Austin, Texas). A second option is to join a waitlist for a special two-day, back-to-back testing session (TEP one day, performance test the next day). We try to offer these special testing sessions in Austin twice a year (often around March and August).

To take the court performance test only (assuming prerequisites are met), one would need to contact BEI at dhhs.bei@hhs.texas.gov to begin the application process.

2. Can Texas waive its requirement that the Written Examination be taken in Texas if an interpreter has taken and passed the California Written Examination (which is the standard National Center for State Courts' Written Examination)?

Yes, NCSC has confirmed that the Texas written examination is the same NCSC written examination administered in California. The candidate will need to send a copy of the written examination test results to the BEI office when scheduling the court performance test.

3. Would ASL interpreters who pass the Texas BEI certification be responsible for reporting their continuing education requirements to Texas?

Yes, the interpreter would need to comply with our CEU requirements to maintain their certification. Our policy manual covering eligibility, training requirements, renewal process, and the like can be found [here](#).

4. What if there was a complaint regarding the performance of an ASL court interpreter? Is there a complaint process in Texas, or would the state where the complaint occurred be responsible?

If an individual files a complaint against a Texas BEI-certified court interpreter, the complaint would be sent to the director of the Texas Office of Deaf and Hard of Hearing Services. The director would then conduct fact-finding and may bring it to the BEI advisory board for review, as needed.

5. How often does Texas administer the ASL court interpretation examination each year?

There's no time set aside to administer only the court test; it's scheduled in queue in the order applications come in.

6. What is the usual time frame from taking the test to receiving results?

Typically, it is a 90-day turnaround.