

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: March 22, 2011

SUBJECT: Fiscal Impact Statement – “Effective Interpretation for Deaf and Hard-of-Hearing Amendment Act of 2011”

REFERENCE: Bill 19-49, as introduced

Conclusion

Funds are not sufficient in the FY 2011 through FY 2014 budget and financial plan period to implement the provisions of the proposed legislation. The proposed legislation would cost approximately \$896,000 in FY 2011 and \$5.16 million over the FY 2011 through FY 2014 financial plan period.

Implementation of the proposed legislation is subject to the inclusion of its fiscal effect in the approved budget and financial plan.

Background

The proposed legislation would amend the Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987¹, the Disability Rights Protection Act of 2006², and the Language Access Act of 2004³ to change the standards for and the scale and scope of interpretation services available to deaf and hard-of-hearing residents. Specifically, the proposed legislation would:

- Starting January 1, 2016, require an American Sign Language interpreter (“interpreter”) hired by the District of Columbia or organizations that receive funds from the District of Columbia to hold a National Interpreter Certification (NIC) certification at a basic level from

¹ Effective January 28, 1988 (D.C. Law 7-62; D.C. Official Code §2-1901 *et seq.*)

² Effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code §2-1431.01)

³ Effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §2-1931 *et seq.*)

the National Registry of Interpreters for the Deaf (RID).⁴ Interpreters would be exempt from certification requirements in several situations including interpreters that receive full compensation directly from the deaf or hard-of-hearing person for whom the person is interpreting, providing services to or on behalf of someone who has specifically required that the person provide the service, for religious organizations, or in a situation where the length of time needed to obtain a certified sign language interpreter is likely to cause injury or loss.

- Require providers of sign language interpreting services in an educational setting to achieve a score of at least 3.0 on the Educational Interpreter Performance Assessment.
- Give the Office of Disability Rights (ODR) the authority to investigate complaints from any person, agency, or organization reported for receiving services from a non-certified interpreter. ODR must issue a determination within 30 days of receiving the report and if a violation has occurred, they could fine the person and the District agency or District funded organization \$300 for each instance.
- Establish the Certified Sign Language Interpreters Grant Program ("Grant Program") to provide grants of up to \$500 to promote sign language interpreting as a profession. The Grant Program would be administered by ODR.
- Require ODR to create and maintain a website with resources available to the deaf and hard-of-hearing residents of the District.
- Conduct an intensive public information campaign to inform the deaf and hard-of-hearing communities, sign language interpreting community, District agencies, District funded entities, and the public on the opportunities for sign language interpretation available. ODR would lead the initiative.
- Add sign language to the oral language services currently provided by the 26 covered entities with public contact. This could be done through placing certified sign language interpreters in public contact positions, providing certified sign language interpreters, and contracting with video remote interpreter (VRI) services.

Financial Plan Impact

Funds are not sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. Implementing the proposed legislation would result in an estimated cost of approximately \$896,000 in FY 2011 and \$5.16 million over the FY 2011 through FY 2014 financial plan period.

Two key provisions of the proposed legislation would have a fiscal impact immediately. First, the proposed legislation specifically states that the Grant Program must provide grants of up to \$500 to at least 20 grantees annually. At a minimum, the cost of making these grants would be \$10,000 annually.

Second, adding American Sign Language to the list of languages covered by the Language Access Act would require interpreters to be available during all open hours for 26 of the covered entities identified in the Language Access Act. As a result, covered entities would be required to provide sign language services to a deaf or hard-of-hearing person who seeks access to, or would participate in the services, programs, or activities offered by the covered entity. The most cost effective way to implement this provision is by providing VRI services at the approximately 450 public access points of covered entities. VRI is a fee-based service provided via videoconferencing

⁴ Or another certification recognized by the RID and equivalent to the NIC Basic.

where the interpreter is at a remote location and provides interpreting services over the computer via webcam, microphone, and other appropriate software.

Estimated Fiscal Impact of B19-49 – Effective Interpretation for Deaf and Hard-of-Hearing Amendment Act of 2011 FY 2011 – FY 2014					
	FY 2011¹	FY 2012	FY 2013	FY 2014	Four-Year Total
Grant Program ²	\$2,500	\$10,000	\$10,000	\$10,000	\$32,500
Video Remote Interpreting ³	\$893,250	\$1,413,000	\$1,413,000	\$1,413,000	\$5,132,250
Net Fiscal Impact	\$895,750	\$1,423,000	\$1,423,000	\$1,423,000	\$5,164,750

Table Notes

¹ Assumes a July 1, 2011 implementation date.

² The Grant Program would distribute \$500 grants to 5 grantees in FY 2011 and 20 grantees each year starting in FY 2012.

³ There would be approximately 450 work stations across the District equipped to offer VRI. Each work station would cost approximately \$1,200 in start up costs and \$3,140 annually in license agreements and services provided by the vendor.

In addition, two provisions of the proposed legislation would have a fiscal impact outside of the FY 2011 through FY 2014 financial plan period. First, the proposed legislation would require that all interpreters hired by the District or any organization that receives funding from the District to be certified starting January 1, 2016.⁵ The certification requirement in the proposed legislation could result in the District paying as much as 25 percent more⁶ to hire interpreters starting in 2016.⁷

Second, ODR would be responsible for tracking, monitoring, and enforcing the sign language interpreter certification requirement. ODR would have to hire two full-time-equivalent personnel starting in FY 2017 at approximately \$150,000 annually to meet this requirement.⁸

⁵ This requirement is beyond the requirements of federal regulations related to sign language interpreters. The District is in compliance with all federal requirements related to the hiring of sign language interpreters.

⁶ This estimate assumes that current market conditions for interpreting services would continue to hold, and is based on data from D.C. Department on Disability Services and data on payments made to qualified vs. certified interpreters by the state of Texas.

⁷ To the extent that VRI services replace in-person interpreters for individual or small group interactions, these costs could be mitigated, assuming VRI interpreters are certified. According to one company providing VRI services, all of their interpreters are certified or are working towards certification.

⁸ Total personnel costs include the salary and fringe benefits for one Investigator at CS 12-5 and one Data Analyst at CS 10-5. The estimate assumes no step or cost of living adjustments over the FY 2011 – FY 2014 budget and financial plan, as such increases are currently frozen for the majority of District employees. The estimate assumes 18 percent in fringe benefit costs with a 2 percent annual increase.