

**THE ADVISORY BOARD FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS
AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING, OR ORAL
DEAF**

**MINUTES OF THE
JUNE 24, 2016 MEETING
AD HOC COMMITTEE TO STUDY BACKGROUND CHECKS**

AD HOC COMMITTEE MEMBERS PRESENT

Holly Ketchum, Co-Chair
Debbie Pearce, Co-Chair
Myra Taff-Watson, Representative of Private Rehab Services
Cheryl Sugg, Arkansas Rehabilitative Services
Rayburn Boland, Principal of Arkansas School for the Deaf

GUESTS PRESENT

Elizabeth Harris, ADH General Counsel
Will Gorum, Transcriber
Linda Stauffer, Interpreter
John West, Interpreter

WELCOME AND CALL TO ORDER

Holly Ketchum, Co-Chair, called the meeting to order shortly after 2:00 p.m. She first thanked everyone on the Committee for giving their time to be here today. Ms. Ketchum went through how the ad hoc committee was established. She stated that some states do have criminal background checks through licensure, but most do not. There does not seem to be a lot of agreement, so it would be up to the Committee to decide how to proceed.

REPORT ON BACKGROUND CHECKS IN PUBLIC SCHOOLS

Ray Boland gave a report on background checks in public schools. He stated that any teacher in the state who wants to work in a public school must have a background check and they must pay for it out of their own pocket. He personally went through that procedure after he was hired by the School for the Deaf.

He commented that it was a good question on whether or not that should be required of all interpreters. He stated that they do background checks on interpreters that are hired to work in the Deaf School. Other states he is familiar with are pretty strict on requiring background checks for people to work with children.

REPORT ON BACKGROUND CHECKS IN GOVERNMENT AGENCIES

Ms. Sugg gave a report on state agencies and background checks. She said that her "Google" search showed that the Division of Developmental Disabilities requires background checks, but that there is no overall law in Arkansas.

She then looked at her own agency, Arkansas Rehabilitative Services (ARS). She said they were going to start requiring background checks on all employees, but the employee will have to give their permission. Last, Ms. Sugg stated that the QAST (Quality Assurance Screening Test) is going to start requiring background checks of all applicants who wish to test for QAST.

Ms. Harris clarified that for the Arkansas Department of Health (ADH), background checks are only performed on employees who work in finance or with patients, not on all employees.

REPORT ON BACKGROUND CHECKS IN PRIVATE BUSINESSES

Ms. Taff-Watson reported on how background checks are used in private interpreting businesses, specifically her own. She has not personally had to deal with this issue as much. But, she says that recently, mental health treatment facilities are asking if she has background checks on her interpreters.

She also stated that no public school has ever asked her to provide background checks for interpreters providing services in schools. Ms. Taff-Watson explained that she is a vendor, not an employee. Then she stated that the Virtual Academy asked for her to provide child maltreatment checks and fingerprint checks. Other than that, no state agency has asked her for background checks.

Ms. Taff-Watson expressed a concern about having to repeat background checks for every entity that needs one on an interpreter. She does not think interpreters are going to be willing or able to do this. She recommends the entity hiring the interpreter pay for the background check and not the interpreting business or the individual interpreter. That way the background check is done when necessary and there is not a large outlay of cost to the interpreter.

A discussion on this report took place.

Ms. Ketchum pointed out that the questions of who is responsible for ensuring the background check is done, who pays for it, and who is ultimately liable are all good questions.

REPORT ON STATE LICENSURE AND BUSINESSES REQUIRING BACKGROUND CHECKS

Debbie Pearce gave a report on State Licensure and businesses requiring background checks. Ms. Pearce stated that she contacted the National Office about it and what

other states are doing. A few hours later, she received an email explaining the steps the RID is taking to add background checks to the process.

The Committee watched a video explaining the new RID process. A written explanation of the process was also provided to the Committee and is attached to these minutes.

Ms. Harris pointed out that the video from RID proposed adding a question on the application about criminal background. A discussion ensued about the difference between "self-disclosure" on the application and a formal background check. Ms. Pearce stated that one benefit of "self-disclosure" is that it adds no cost to the process.

Ms. Pearce continued her report by explaining what she had to do when she started with the Dardanelle Public Schools. This background check cannot be transferred from one district to another. Regarding contracting agencies, the schools do not do a separate check; each business is responsible for its own employees.

Ms. Pearce then contacted the Arkansas Department of Education. The attorney for ADE confirmed that all certified and classified staff must have a background check. Ms. Pearce explained that some schools are going to a system called "Hall Pass," where every person who comes into the building must have their ID scanned and a report is automatically generated.

Next, Ms. Pearce contacted Arkansas Tech University. Ms. Pearce talked to someone with Arkansas State Police, who said the report would cover everything from the time you were born until the present. The cost of a State Police background check is \$25.00; or \$22.00 if you have an account. You also have to have a signed release from the person being checked.

Last, Ms. Pearce called businesses in the State. Every company she contacted required background checks for all employees, and each company required their own background checks. For each business, contract agencies were not required to provide background checks. Each individual agency or company is responsible for its own employees. A local hospital said the same thing. No one could answer the question "who is liable, if something happens?"

A discussion about liability took place.

DISCUSSION ON RECOMMENDATIONS

Ms. Ketchum asked the Committee what they wanted to recommend to the full Advisory Board. Ms. Pearce recommended reading the charge of the Committee again so that all questions presented were answered. The Committee individually reviewed those recommendations.

Ms. Sugg expressed her concern over the fact that the background check is not transferrable from entity to entity, so that licensees may have to provide multiple background checks, including the licensure one. More discussion took place on how background checks for licensure would work and who would be liable for any incidents that happened. After more discussion on liability, Ms. Harris also directed the

committee to look at how background checks would protect the individuals being served by interpreters.

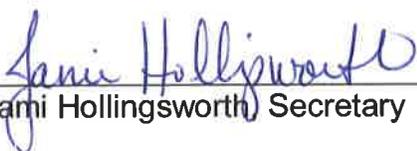
Ms. Ketchum asked for the recommendation of the Committee. Ms. Taff-Watson suggested that the Committee recommend that ADH not perform background checks to grant interpreters' licenses. Mr. Boland said he wanted to see background checks performed on licensees. There was discussion on whether or not a background check should be performed. Mr. Gorum, the transcriber, commented on how he was hired to work. Ms. Stauffer, the interpreter also commented on the fact that background checks are not required of her UALR students before they work around children. Ms. Sugg stated that she is stumped, but she is leaning toward not requiring background checks for licensure. Ms. Pearce stated that, in her opinion, the Advisory Board is a licensing body and is not making recommendations to people hiring interpreters. Therefore, a background check is not necessary. However, Ms. Pearce does like the idea of self-disclosure on the application.

More discussion ensued on this issue. Mr. Boland raised the issue of protecting the Deaf community and this issue was discussed. Again, the idea of self-disclosure was brought up as the best idea.

Ms. Taff-Watson moved that the recommendation to the full Advisory Board be that licensure applications include a section regarding disclosure of criminal history. Ms. Sugg seconded the Motion. The motion passed without objection.

Ms. Harris asked what offenses would disqualify people from licensure. This was discussed. Ms. Harris stated that she would provide examples of statutes regarding disqualifying offenses. Ms. Ketchum stated another meeting would be scheduled to discuss this issue.

The meeting was adjourned at approximately 4:05 p.m.



Jami Hollingsworth Secretary

Approved on 8-5-16