



DISABILITIES LAW PROGRAM

COMMUNITY LEGAL AID SOCIETY, INC.

100 W. 10th Street, Suite 801
Wilmington, Delaware 19801
(302) 575-0660 TTY (302) 575-0696 Fax (302) 575-0840
www.declasi.org

1

To: GACEC; SCPD:DDC
From: Disabilities Law Program
Date: May 14, 2020
Re: May 2020 and Law Memo

Proposed DDOE Regulation on Certification for Teachers of Students Who Are Gifted or Talented, 23 Del. Register of Regulations 914 (May 1, 2020)

The Delaware Department of Education (“DDOE”) proposes to amend 14 Del. Admin. C. 1572, which describes requirements for teachers of students who are gifted or talented standard certificate (hereinafter “Certificate”) pursuant to 14 Del. C. § 1220. DDOE, in cooperation with the Professional Standards Board (hereinafter “The Board”), is proposing to amend this regulation to clarify language in Section 1.0, add definitions to Section 2.0, clarify the requirements for issuing a Certificate, and adding sections 6.0-9.0 which concern the validity of the Certificate, discipline actions, requests for the Secretary of Education to review applications and, recognizing past certifications, respectively.

Many of the proposed changes are similar to the proposed changes to the regulation governing the Standard Certificate for teachers of students with disabilities, which were published in the Delaware Register of Regulations on April 1, 2020 (23 Del. Register of Regulations 810). As with April’s proposed regulations, much of the proposed changes to this Certificate do not warrant much discussion or concern, so they will be mentioned only briefly. Proposed § 1572.2 reprints, nearly verbatim, a number of definitions that are found in 14 Del. Admin. C. § 1505. These definitions replace the language which had incorporated the definitions from § 1505.

In proposed § 1572.3.2, DDOE proposes to include a provision that it will not act on an application under this section if the applicant is under official investigation by any local, state, or national authority with the power to issue educator licenses. It goes on to list alleged conduct where DDOE will not act. It is unclear whether the list describes the only investigations where DDOE will not act, or if they represent examples. Councils may wish to recommend DDOE clarify this section.

In proposed § 1572.4.1.1, DDOE is proposing to include additional ways in which to satisfy the education requirement to apply for a certificate under this section. Those additional routes

include (1) having “[o]btained and currently maintain an Exceptional Needs Specialist certificate in specialty area of gifted and talented education from the National Board for Professional Teaching Standards”; (2) “[s]atisfactorily completed an alternative routes for licensure or certification program to teach gifted or talented students as provided in 14 Del.C. §§1260 – 1266; or [s]atisfactorily completed a Department-approved educator preparation program in gifted or talented education[.]”

Proposed § 1572.5 includes requirements for the actual application for the certificate under this section and lists the documentation needed in order for DDOE to process the application. The documentation required includes evidence of obtaining and maintaining the applicable certificate from the National Board for Professional Teaching Standards (if applicable), college transcripts, verification of successful completion of Department-approved professional development (“PD”) (if applicable), completed and signed experience form (if applicable), official score on the Praxis exam, and any additional documentation required by DDOE. For applicants who have met these requirements and hold a valid and current license or certificate in this area, individuals must also provide the official copy of the certificate and any additional documentation required by the DDOE.

Proposed § 1572.7 outlines the disciplinary actions that could befall an educator with a certificate under this section. The proposed language incorporates requirements and actions in other current Delaware law and regulations including 14 Del. Admin. C. § 1514 (Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits), 14 Del. C. § 1222 (Revocation of a Certificate), and 14 Del. Admin. C. § 1515 (Hearing Procedures and Rules).

As with 23 Del. Register of Regulations 810 (April 1, 2020), the two proposed sections which require the most scrutiny and consideration are § 1572.6 and § 1572.8.

Proposed § 1572.6 establishes that an educator with a certificate under this section is not required to renew the certificate as long as their educator’s license is valid and current. For background, an educator’s initial license is valid for four (4) years at which point they can apply for a continuing license which is valid for five (5) years. After five (5) years, the educator can apply to renew their license. That renewal requires a certain number of professional development hours along with other requirements. The purpose of these professional development hours is to ensure that Delaware educators are continuing to learn and develop their practice, just as other professions are required to do.

The Board does not prescribe specific professional development for educators. This is true for educators possessing one of the many standard certifications that are available, including the certification under proposed § 1572. The only requirements for professional development, found at 14 Del. Admin. C. § 1511.6, are that it should include at least ninety (90) “Clock Hours” which are related to 14 Del. Admin. C. § 1597 (Delaware Professional Teaching Standards), 14 Del. Admin. C. § 1590 (Delaware Administrator Standards), or “appropriate specialty organization standards.” Therefore, it is possible that an educator with this certificate will not actually participate in any professional development related to their certification.

Councils may wish to recommend that DDOE consider whether including requirements for renewal of this certificate is warranted. For ease, the renewal of this certificate could coincide with the date of renewal for the educator's license. Proposed requirements for renewal could include activities such as participation in a mandated number of hours (out of the ninety (90) required) of professional development related to this certificate or additional mentoring on top of the current mentoring requirements.

Proposed § 1572.8 establishes an additional route to obtaining a certificate under this section. Specifically, it allows DDOE's Secretary of Education to review and grant certification where the educator does not meet the requirements necessary. This review would be prompted at the request of a local school or school district and would need to be supplemented with documentation showing the educator's effectiveness.

Proposed § 1572.8 mirrors similar language found in 14 Del. C. § 1224, which allows the Secretary to "review licensure and certification credentials on an individual basis and to act upon same at the request of the local school district or charter school provided that the local school district or charter school is able to document the effectiveness of the applicant." The regulations implementing this part, found at 14 Del. Admin. C. § 1505.9, use the same language as that

found in the proposed regulation. Although proposed § 1572.8 is aligned with current regulations concerning standard certificates, DDOE cannot forget that educators of special education students, which includes the gifted and talented population, require Delaware's most capable educators. Councils may wish recommend that DDOE remove proposed § 1572.8 or, alternatively, Councils may wish to recommend DDOE remove the language allowing for a review by the Secretary where an applicant does not meet the listed requirements.

In conclusion, Councils may wish to support the proposed amendment with the included recommendations and suggestions.

SB 191, Equal Rights Amendment Expansion

Senate Bill 191 ("SB 191") is the first leg of a constitutional amendment to add race, color, and national origin to the Article I, § 21 of the Delaware Constitution to explicitly declare that protection against discrimination based on race, color, and national origin is one of Delaware's fundamental rights. In January of 2019, the legislature passed an Equal Rights Amendment bill which amended the Delaware Constitution by providing that "Equality of rights under the law shall not be denied or abridged on account of sex." When Delaware passed the Equal Rights Amendment in 2019, they joined about half of the states across the country that had already passed Equal Rights Amendments to their state constitutions in order to provide protection against discrimination based on sex.

SB 191 would amend Article I, § 21 of the Delaware Constitution to say that "Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, or sex." SB 191 would put Delaware on track to join at least 15 states have added a provision to their state constitution that prohibits the denial or abridgement of equal rights under the law based on

race, color, or national origin. Since this is a bill to amend the state constitution, it needs a two-thirds majority in both houses in two separate legislative sessions.

While adding protection to our state constitution for sex, race, color, or national origin is a move in a positive and progressive direction, Councils should nevertheless seek to have “disability” added to the Equal Rights Amendment. This could be a longshot but it is something so important that any and all attempts must be made in order to provide Delawareans with disabilities more protection against discrimination. In regards to constitutional equal rights, Delaware Law School Dean, Rod Smolla, has so eloquently stated that “There are specific laws, for example, dealing with discrimination on grounds of disability or age. These statutory civil rights laws, however, do not have the same resiliency or resonance as constitutional protections. Ordinary legislation, whether passed by the United States Congress or the General Assembly of Delaware, may be amended or entirely repealed as majorities come and go.” An unfortunate omission: Delaware's lack of equal protection, Delaware Online, <https://www.delawareonline.com/story/opinion/contributors/2016/06/16/unfortunate-omission-delawares-lack-equal-protection/85833036/> (last visited May 7, 2020). Smolla has further said that “The whole point of a constitutional guarantee is to elevate certain foundational principles above the fray. Constitutional rights exist to insulate core values from the vicissitudes of politics, imbuing certain fundamental rights with higher moral and legal stature.” *Id.*

In May of 2016, an Equal Rights Amendment bill was proposed in Delaware that included equal protection for those with disabilities. Senate Bill 190, sponsored by Senator Karen Peterson, D-Stanton, would have amended the state constitution by adding, “Equal protection under the law shall not be denied or abridged because of race, sex, age, religion, creed, color, familial status, disability, sexual orientation, gender identity or national origin.” When this amendment was introduced, Senator Peterson said it “would offer stronger, broader protection and serve as a statement that Delaware treats all people equally.” She went on to say that “People with disabilities are routinely denied the right to work, the right to an inclusive education, and the right to live in our communities.” The bill was tabled in June of 2016 due to a lack of support. Since the bill was seeking equal protection for many different classes of people, the lack of support cannot be attributed only to the protection of those with disabilities. Multiple lawmakers had brought up concerns regarding the inclusion of gender identity as a protected class.

Currently, there appears to be only three states that include those with disabilities in their state constitution Equal Rights Amendments. Article I, §2 of the Florida Constitution states that “All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.” Article I, §3 of the Louisiana Constitution provides that “No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.” Article I, §2 of the Rhode Island Constitution state that “No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of

the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.”

Since an amendment to the Delaware constitution requires a two-thirds vote in the House and Senate, which must also be approved in two consecutive General Assemblies, passing an Equal Rights Amendment that includes protection for people with disabilities would require strong bipartisan support and effort. With all of the above in mind, Councils should consider supporting the bill, but strenuously advocate for the bill to include people with disabilities as being a protected class who is entitled to equal rights under the Delaware constitution. Councils could advocate that Article I, § 21 of the Delaware Constitution should be amended to state that “Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, disability, or sex.”

DSAAPD Proposed State Plan on Aging,

https://www.dhss.delaware.gov/dsaapd/files/draft_state_plan_april_2020.pdf.

The Delaware Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) is required by the Older Americans Act of 1965, as amended (OAA), to develop a State Plan on Aging every two to four years. This plan on aging is for the time-period beginning October 1, 2020 through September 30, 2024. The State Plan on Aging functions as DSAAPD’s contract with the Administration for Community Living (ACL). It allows the State of Delaware to receive funding under Titles III and VII of the OAA. Titles III and VII provide for funding for important services for older Delawareans, known as “core” programs, such as: Personal Care, Respite, Adult Day Services, Legal Services Personal Emergency Response Systems, Case Management, Congregate and Home-Delivered Meals, Preventative Care, Adult Protective Services, and Long-Term Care Ombudsman.

The plan appears to be primarily focused on services for the aging population, and not services for adults with disabilities that DSAAPD either administers or coordinates. The Plan articulates seven main goals:

Goal 1: Promote excellence in the delivery of core Older Americans Act Programs

Goal 2: Empower older adults, persons with disabilities and their caregivers to be active, engaged and supported in their homes and/or communities of their choice.

Goal 3: Increase the development and implementation of business-related strategies that promote innovation, collaboration, and sustainability of aging and disability network partners.

Goal 4: Expand and leverage alignments with strategic partners to support sustainable integration of discretionary grant programs into Older Americans Act programs.

Goal 5: Promote person-centered planning and participant direction in community-based and long term care service options.

Goal 6: Promote access to and efficiencies of home and community-based services which enable participants to direct their own care.

Goal 7: Prevent abuse, neglect and exploitation while protecting the rights of older Delawareans and persons with disabilities.

Of particular interest to people with disabilities, we note the following:

In certain areas, there are very few performance goals that actually address expansion or improvement of direct services. Most performance measures relate to training staff, not increasing services or providing measurable outcomes tied to the number of clients served or outcomes.

For example, Objective 2.3 relates to advocating and aligning with efforts to promote accessible and affordable ADA compliant housing options and/or cost-effective home modifications. The only performance measure is that case managers complete housing options training, without any performance measures related to increasing tenancy supports or having clients actually attain accessible housing.

Likewise, Objective 2.5 is to improve access to and coordination of cognitive resources, but the only performance measure is that case managers attend one cognitive health resource or service related training.

Objective 2.6 is advocating for and supporting transportation plans and innovative mobility options, but the only performance measure is that DSAAPD provides one training for transportation providers and case managers receive training on transportation options.

Objective 5.1 is supporting person-centered service delivery options to better meet the needs of older adults and adults with physical disabilities, but the only performance measure is staff training. There are no Performance measures related to building capacity (strategy 5.1.2) or increasing family caregiver supports and resources (5.1.5)

Goal 6, which is to promote self-directed home and community based care, does not have its own objectives. Performance measures for 6.2, which relates to improved delivery of participant directed services, address respite and legal services program participation which don't appear to further the Objective, or the Goal.

Councils may wish to recommend that DSAAPD more robust Performance Measures that will show how execution of the State Plan actually leads to improved access to and receipt of services by its constituents.

Updates from April on low income and earned income tax credits

Policy and Law reviewed HB 316 related to a low income tax credit last month. An earned income tax credit bill, HS 1 for HB 80, was introduced in January 2020. There have been earlier incarnations of HB 80.

The bill creates a refundable Delaware state earned income tax credit (EITC). Currently, individuals can access a non-refundable tax credit of 20% of their federal EITC. (30 Del Code §§1117) Many states offer a state EITC as a refundable credit, meaning that the EITC can lead to a tax refund. HB 80 gives taxpayers the option of either taking 4.5% of their federal EITC as a refundable credit or of taking 20% of federal EITC a non-refundable credit. Maryland offers taxpayers the option of choosing either a smaller refundable credit or a larger non-refundable credit. The effective date of the change is linked to notification by the Secretary of Finance of the “personal income tax release of the Integrated Revenue Administration System.:

There is a strong argument that a refundable tax credit has the potential to put more income into the hands for low income workers.¹ Many low income families don’t owe state income tax, and a non-refundable credit is of little value to them.²

It is worth noting that Governor Carney vetoed a bill that did very similar things, his reasoning being that eliminating the higher rate non-refundable credit would penalize some working families who currently access the credit, and that the bill benefited middle income earners over lower income earners. (The research does not suggest that this is true).

HB 316 provides a state low income tax refundable credit that is not tied to the federal EITC. It is capped, however. The synopsis refers to the “working poor,” which is not the most forward thinking language. Here is the analysis from last month:

House Bill 316 (“HB 316”) seeks to amend Chapter 11, Subchapter II of Title 30 of the Delaware Code relating to Personal Income Tax Credits for Delaware residents by adding § 1119, which creates a personal income tax credit for certain low income Delaware residents. The bill was introduced in the Delaware House of Representatives on March 12, 2020, sponsored by Representatives Yearick and Ramone and Senators Lawson and Wilson, and co-sponsored by Representative Michael Smith. It was subsequently assigned to the House Revenue and Finance Committee where a hearing will be held once the General Assembly is back in session.

¹<https://www.cbpp.org/research/state-budget-and-tax/states-can-adopt-or-expand-earned-income-tax-credits-to-build-a>

² “Refundability is key to the EITC’s success, especially at the state level. If a credit is refundable, taxpayers receive a refund for the portion of the credit that exceeds their income tax bill. Refundable credits therefore can be used to help offset all taxes paid, not just income taxes, thereby offsetting some of the regressive effects of state and local sales, excise, and property taxes.”
<https://itep.org/rewarding-work-through-state-earned-income-tax-credits-in-2018/>

The § 1119 personal income tax credit would apply to residents who have claimed income between \$18,000 and \$30,000 and would allow for a credit in the amount of \$250 against the tax imposed under Chapter 11 of Title 30. For Delaware resident spouses filing jointly, their claimed income must be between \$36,000 and \$60,000 and are allowed a credit in the amount of \$500.

If Delaware resident spouses file a federal joint tax return, but file separately in Delaware, the rules for a single Delaware resident apply to this tax credit; however, each spouse will only be eligible for the tax credit if he or she meets the income requirements. For example: if Spouse 1 claims more than \$30,000 in income and Spouse 2 claims between \$18,000 and \$30,000, only Spouse 2 is eligible for the tax credit and will receive \$250. However, if both Spouse 1 and Spouse 2 claim between \$18,000 and \$30,000 in income, both spouses would be eligible for the \$250 tax credit, for a total of \$500.

Although it is clear that this bill is aimed at easing the tax burden for low-income residents, this reviewer believes it will not provide the assistance imagined. Instead, it will likely provide only a minute level of assistance. While the bill *is* a step in the right direction, Councils may wish to urge the Legislature to consider alternative proposals that will likely make a greater impact and provide even more assistance to Delawareans who need it the most.

The Institute on Taxation and Economic Policy (“ITEP”) published a report identifying state tax codes that *actually* help fight poverty with recommendations to consider. [<https://itep.org/state-tax-codes-as-poverty-fighting-tools/>]. They identify four effective strategies including the state Earned Income Tax Credit (“EITC”) (which Delaware has already enacted), property tax circuit breakers, targeted low-income credits (which this bill aims to enact), and child-related tax credits. Regarding the EITC, ITEP notes that states vary wildly in their credits allowed under EITC. The report notes that Delaware is only one of six states which allow *only* a non-refundable EITC credit, which limits the ability of the credit to “offset regressive state and local taxes.” The Delaware legislature has previously tried to convert the EITC to be refundable, however it was vetoed by Governor Carney in 2018. [<https://www.delawarepublic.org/post/governor-supports-renewed-effort-make-earned-income-tax-credit-refundable>]. House Bill 80, which was introduced in January of 2020 and has Governor Carney’s support, represents another effort to make the EITC refundable – it would give residents the option of a non-refundable 20% credit or refundable 4.5% credit.

What HB 316 represents is a targeted low-income credit, which complements EITCs. ITEP notes that there are several states whose targeted low-income tax credit essentially “zeroes out” families’ personal income tax contributions. [<https://itep.org/state-tax-codes-as-poverty-fighting-tools/>]. In Ohio, the enacted legislation ensures that families with an income below \$10,000 are not subject to the income tax. In Kentucky, low-income families of a certain size are not subject to state income taxes. In other states, low-income families are offered income tax credits to offset sales and excise taxes. While the former would not be applicable because Delaware does not have sales tax, the latter *is* applicable. Excise taxes are taxes directly levied on certain goods by the state or federal government and are generally passed to the consumers via higher prices. Delaware collects excise taxes on gasoline, cigarettes, and alcoholic beverages. In Idaho, each resident receives a credit to offset their grocery taxes, even if they are not subject to the income tax.

As stated previously, this bill represents a step in the right direction for providing assistance to low-income Delawareans; however, this reviewer does not believe it goes far enough nor will it accomplish the level of assistance contemplated or needed. Instead, the Delaware legislature should consider enacting legislation that will provide the greatest impact. Councils may wish to support this bill with a recommendation to increase the amount of the credit to at least \$500 and / or with a recommendation to consider other proposals to make more substantial changes. Councils could endorse both bills as they go about attacking the issue of tax relief for lower income tax payers, but would want assurances that HB 316 is not meant to supplant HB 80.

Policies:

Delaware Division of Motor Vehicles Testing Procedures for Non-English Speaking and Deaf or Hard of Hearing Driver License Applicants

Update:

DMV shared some revised policies with Kyle. DLP reviewed the new draft procedures & compared them side-by-side with the procedures analyzed last month. This new draft from the DMV is very good for deaf & hard of hearing driver license applicants. The DMV has addressed the concern raised in last month's Policy & Law Memo analysis. The new draft now provides that "In cases where translation assistance is needed for an applicant to take an automated knowledge exam, translators may sign the questions and multiple-choice answers to the applicant as shown on the Division's automated test system." Whereas before, the DMV did not allow a translator for signing the questions and multiple choice answers, unless the applicant was also non-English speaking. That distinction has been removed.

In last month's memo, the DLP pointed out that NAD & RID have a code and system that interpreters must adhere to. The DMV took this information and actually added a paragraph in Section 3.0, Non-compliance, which states that "Those translators who interpret for deaf and hard of hearing applicants must adhere to The National Association of the Deaf (NAD) and the Registry of Translators for the Deaf, Inc's (RID) Code of Professional Conduct. Those who violate the Code are subject to the RID Ethical Practices System (EPS), whose goal is to uphold the integrity of ethical standards among translators."

The changes made by the DMV should allow deaf & hard of hearing Delawareans a more just and fair process when seeking a driver license.

Previous analysis:

The Delaware Division of Motor Vehicles (DMV), created procedures to address the use of translators for driver license applicants who cannot read or speak English and the use of interpreters for the deaf and hard of hearing. Under federal law, 28 C.F.R. §36.303(c), "a public

accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities”, which includes the deaf and hard of hearing. The goal of the procedures is to outline “exactly how a translator/interpreter may assist an applicant during the Division of Motor Vehicle’s... written and road tests.” The procedures are currently in use by the DMV.

The testing procedures are divided based on non-English speaking/reading driver license applicants and deaf and hard of hearing driver license applicants. The use of a translator and/or interpreter for both groups of applicants during the road test portions is largely similar and does not appear to raise issues. Along with the road tests, driver license applicants are required to successfully complete an automated written test.

The DMV policy regarding the use of interpreters for deaf and hard of hearing driver license applicants during the automated written test appears to be problematic. Non-English speaking/reading driver license applicants who need translation assistance to take an automated written test may have a translator read the questions and multiple choice answers to them as shown on the DMV automated test system. The use of an interpreter by a deaf or hard of hearing driver license applicant during the automated written test is limited.

In comparison, “Unlike a translator for a non-English speaking/reading driver license applicant, ***a deaf and hard of hearing interpreter shall not sign the questions and multiple choice answers for the applicant. In these situations the applicant will be able to read the questions and answers from the automated testing system him/herself.***” An interpreter can only be used during the written test if the applicant has a question or needs to communicate with the DMV employee proctoring the test. The procedures further state that “If a deaf or hard of hearing driver license applicant is also a non-English speaking applicant, then the interpreter may sign the questions and multiple choice answers on the automated testing system.”

The DMV procedures are making an incorrect assumption that all people who communicate via sign language are able to read written English text. “American Sign Language (ASL) is its own unique language, complete with its own grammar and structure that is unrelated to English.” Differences between ASL and English, <http://signaphasiatests.salk.edu/appendix/langdiff.html> (last visited Apr 13, 2020). The procedures do not offer any clear justification as to why an interpreter cannot sign the questions and multiple choice answers for the applicant on the automated written test. Perhaps, it could be argued that the DMV’s justification was to curtail cheating that could result from an interpreter providing answers to applicants but that would defy common sense since translators/interpreters are allowed to be used by non-English speaking applicants on the automated written test and present an equal risk of cheating.

The DMV has also put procedures in place to monitor and punish cheating by translators/interpreters. The procedures allow the division to use video and audio devices to monitor translators/interpreters during the written and road tests to ensure translators/interpreters are not providing answers to the applicant. The procedures address non-compliance by stating “Any applicant whose translator/interpreter is found speaking or signing during a written or road test at any time other than when permissible under these written procedures will automatically fail the test. Translators/interpreters who assist applicants by providing answers to questions or by pointing out the correct answers will be prohibited from providing future translation/interpretation services in division facilities.”

Furthermore, the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) have their own Code of Professional Conduct that must be followed. If interpreters violate this Code they are subject to the RID Ethical Practices System (EPS), whose goal is to uphold the integrity of ethical standards among interpreters. “In keeping with that goal, the system includes a comprehensive process whereby complaints of ethical violations can be thoroughly reviewed and resolved through complaint review or mediation.” Enforcement Procedures, <https://rid.org/ethics/enforcement-procedures/> (last visited Apr 13, 2020).

Many other states allow for a deaf and hard of hearing interpreter to sign the questions and multiple choice answers for the applicant during a written test portion. Some states, like Virginia, implemented ASL in to their actual testing system for the written exam portion. The Virginia DMV created a testing system called SecuriTest, which allows customers the option to complete knowledge exams in 16 different languages, including ASL. This system was created because “For many individuals who are deaf or hard of hearing, ASL is their first language, so offering DMV tests in ASL, as opposed to just reading the questions, allows them to receive the information in the language they prefer.” Virginia DMV Offering ASL Version of Written Tests for Driver Licenses, <https://nvrc.org/vddhh-dmv-offering-asl-version-of-written-tests-for-licenses-press-release/> (last visited Apr 13, 2020).

Councils should strenuously advocate for change in the procedures to allow for deaf and hard of hearing applicants to have the option of an interpreter to sign the questions and multiple choice answers during the automated written test.