

FINDING AND RECOMMENDATIONS OF THE COMMUNICATION ACCESS REALTIME TRANSLATION (CART) TASK FORCE



SUBMITTED TO
IDHHC DIRECTOR MILLER
DECEMBER 2011

EXECUTIVE SUMMARY

The creation of the Communication Access Real-time Translation (CART) Task Force was authorized by the Commissioners for the Illinois Deaf and Hard of Hearing Commission (IDHHC) at the May 20, 2010, meeting. IDHHC sought letters of interest of those who wished to serve on the CART Task Force from CART providers, CART consumers and Educators of CART providers. The Task Force convened for the first time on April 26, 2011. A total of three meetings were held in 2011. The Task Force was charged with exploring whether there is a need to establish standards or state regulations of the CART profession.

The Task Force's fundamental premise is that CART services provide a vital role to the deaf, deaf-blind and hard of hearing community whose primary language is English and does not rely on American Sign Language. CART is recognized under the Americans with Disabilities Act as a form of assistive technology which affords "effective communication access." CART services are provided in a variety of settings with the potential for significant consequences such as medical, legal or employment matters. In Illinois, there are currently no standards or regulations for CART providers.

The recommendations of the Task Force do not offer immediate or perfect solutions to the problems identified by the Task Force. It merely provides a starting point to gain a better understanding of the obstacles faced by CART consumers and service providers.

The Task Force also acknowledged obstacles to addressing some of the problems identified. Some recommendations require the passage of state legislation. Another significant obstacle may be the lack of available funding and staffing to implement some of the more immediate recommendations.

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MEMBERS

Mary Clark, CART Consumer

Mary experienced progressive hearing loss at adolescence and has been profoundly deaf since age 31. She has a BS in Deaf Education/Psychology from Ball State University. Mary is an active charter member of the Association of Late-Deafened Adults (ALDA) since 1987. She specializes in assisting late-deafened adults with adjustment and personal counseling needs arising from acquired deafness.

Tina Colias Dillon, CART Provider, CSR, RPR, CRR, CCP

Tina became a certified shorthand reporter in 1979. In her 33 years of experience, she served as an official court reporter in DuPage County and has been freelancing in diverse areas for the past seventeen (17) years, primarily working as a CART provider since 2006. Tina is a member of both the National Court Reporters Association and the Illinois Court Reporters Association.

LeAnn M. Hibler, CART Provider, CSR, RMR, CRR, CCP

LeAnn has been a freelance court reporter in Illinois since 1987. In 2000, she started LMH Certified Reporting in Joliet, Illinois. For the past eleven years, the majority of her work has been as an onsite CART provider in the Chicagoland area. LeAnn is a long-time member of both the National Court Reporters Association and the Illinois Court Reporters Association, including serving as ILCRA President from 2007 to 2009.

Cindy Jenkins, CART Provider, CSR, RPR, CRR, CCP, CBC

Cindy began her career in 1981 as an official court reporter in the Fourteenth Judicial Circuit. She began freelancing in 1984 and became a partner with Circuit Wide Reporting in 1993 until 2000 when she began providing CART and captioning services for the deaf and hard of hearing community. She also maintains membership in National Court Reporters Association and the Illinois Court Reporters Association.

MEMBERS

Teresa Ozuna, CART Educator, CSR, CRI

Teresa holds a Bachelor of Science degree in Realtime Reporting. She is the Realtime Reporting Program Coordinator at Midstate College in Peoria, Illinois which offers curriculum specific to CART. She is a Certified Shorthand Reporter (CSR) in the state of Illinois and Certified Reporting Instructor (CRI) through the NCRA. She is a long-time member of the NCRA and ILCRA and was the recipient of the ILCRA Award of Excellence for an Outstanding Educator in 2008.

Catherine Armbrust Rajcan, CART Provider, CSR, RPR, RMR, RDR, CRR, CCP and CBC

Catherine is the owner of Efficiency Reporting in Wheaton, Illinois. She has been providing court reporting in all facets of verbatim reporting since 1981, providing CART since the early 1990s, and onsite and remote captioning for over a decade. Catherine has provided CART for a variety of people, from students to professionals; individuals to all kinds and sizes of groups; via onsite and remote technologies; and throughout the Chicagoland area, nationally, and internationally. Over her career to date Catherine set and achieved the goals of obtaining her CSR license; certifications including RPR, RMR, RDR, CRR, CCP and CBC; and her B.A. in Entrepreneurship and Business Management with minors in Leadership and Conflict Resolution. Life-long-learning, social responsibility and equity, civility and kindness are considered by Catherine to be more than values to be held, they are duties to be performed.

TOP 5 CONCERNS

1. Supply and Demand of CART services

Demographics show that approximately fifteen percent (15%) of people in the United States have a hearing loss. Illinois' population is approximately 12,830,632. Thus, approximately 1,924,594 people in Illinois have a hearing loss. However, there are no demographics available to determine the percentage of those who utilize CART services for effective communication access.

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At the same time, with no state regulation, it is difficult to ascertain the number of CART service providers. The only listing in Illinois is provided by the Illinois Court Reporters Association (ILCRA). To be listed there, the individual must be a member of ILCRA and meet certain requirements.

2. Availability of Certification

The National Court Reporters Association (NCRA) has the following certifications:

- Registered Professional Reporter (RPR)
- Certified Realtime Reporter (CRR)
- Certified CART Provider (CCP)
- Certified Broadcast Captioner (CBC)

In Illinois, verbatim court reporters must pass the Illinois Certified Shorthand Reporter (CSR) exam to be licensed.

3. Consumer Awareness

Consumers generally lack knowledge of the training or skill sets that CART providers should possess. Increasing awareness allows consumers to empower themselves to request qualified CART providers.

4. Limited Educational or Training Opportunities Specific to CART

The Task Force discussed the common misconceptions about CART. CART is often not recognized as a separate and distinct service from court reporting or realtime captioning. Some of the Task Force members have experienced incidents where court reporters and court reporting students have accepted CART assignments as “practice” without any CART background or additional knowledge of deaf culture.

In Illinois, only three (3) colleges were identified that offered curriculum specific to CART.

- Midstate College, Peoria
- MacCormac College, Chicago
- John A. Logan Community College, Carterville

5. Variation of Services

There are several different services available which are often confused with CART services. CART services are a verbatim (word for word) translation of the spoken word into text. Other services such as C-Print or Typewell provide a meaning for meaning summary of what is spoken.

RECOMMENDATIONS

Recommendation 1:

Establish a voluntary directory for CART providers on the Illinois Deaf and Hard of Hearing Commission's website. In order to be listed, a CART provider must submit proof of:

- **passing the NCRA CCP exam; or**
- **a valid NCRA CCP certification; or**
- **a valid NCRA CRR certification with roles and responsibility training developed by the Task Force.**

Currently, Illinois has no regulation of the CART profession. Nationally, the regulation of CART providers is little to non-existent. Nevada has requirements for licensing of CART providers in the same statute as sign language interpreters. However, Texas recommends that in a legal setting the courts use a certified CART Provider Certified by the Texas Court Reporters Association CART Foundation. Texas Court Reporters Association offers a state CART certification test which has five (5) different levels with specific recommendations which level of CART is appropriate for grades K-12 and courtroom settings. Massachusetts provides a referral service which requires CART providers to have an NCRA certification.

The Task Force feels it is important to develop a directory of qualified CART providers within the state to ensure the quality of services provided to CART consumers. The current listing on ILCRA is not necessarily comprehensive and is restricted to the organization's members. An independent directory will help identify the number of CART providers statewide and broaden the pool of CART providers while still requiring minimum qualifications.

CART services are typically an auxiliary aid under the Americans with Disabilities Act for effective communication. Therefore, IDHHC is the appropriate venue for the directory as they focus on services to the deaf and hard of hearing consumers.

Recommendation 2:

Increase awareness as to CART services, including the existence and definition of CART services, when a consumer is entitled to request CART services under the ADA, and the recommended minimum qualifications of a CART provider.

Deaf and hard of hearing consumers have limited information of what is encompassed within CART services. As there are no regulations, consumers need further education on how to determine who is a well-qualified provider. There is a lack of knowledge regarding the specific certifications and exams related to the provision of CART services.

Additionally, service entities (i.e., medical, legal, and governmental) lack an understanding of their legal obligations to provide CART services, the differences in services, qualifications, and how to locate qualified CART providers.

The Task Force recommends that IDHHC develop and disseminate outreach materials regarding CART services such as brochures, web postings, and newsletter submissions.

Recommendation 3:

Increase awareness to court reporting educators and students as to the unique requirements for CART services and potential career opportunities separate and distinct from court reporting or captioning.

- Existing Court Reporters

Task Force members are aware of situations where a court reporter is requested by an employer to serve in dual roles as both court reporter and CART provider. CART provider services extend beyond the verbatim record; it provides communication access for a deaf/hard of hearing consumer including emotional temperament of the

speaker and environmental cues. The court reporter is responsible for the official record of legal proceedings.

Suggestions include:

- Workshops approved for professional development credit
 - Article Submissions
 - Partner with ILCRA
 - Posting to Social Network (i.e., Facebook)
- Court Reporting Educators and Students

The Task Force members are aware of occurrences in which students have been advised to volunteer to provide CART services as a means to gain real-life experience. As a result, an uninformed consumer is likely to receive subpar services. This not only is harmful to the consumer but reflects negatively on the CART profession. It is critical for the Educators to be aware of the work of the Task Force and its final recommendations.

Recommendation 4:

Reconvene the Task Force to evaluate the growth of the CART profession over the next five (5) years.

The Task Force members are intensely aware that this is a living document dependent on the success and/or failure of the initial recommendations. One possibility in measuring the outcomes of the initial recommendations is through a survey for consumers and CART providers to ascertain individual awareness and experiences related to CART services.

Recommendation 5:

Introduce legislation establishing State regulations for individuals providing CART services to give consumers greater assurance of consistency and quality.

That Task Force recognizes that it is too soon to introduce legislation regulating those providing CART services. However, this is still the ultimate goal for the profession. Depending upon the outcomes of the voluntary directory, such legislation could include mandated registration or licensure. Part of the legislation shall recognize a privilege for the CART Provider and any resulting text file.

Currently, the Task Force is unclear about the specific form of the regulation. Ultimately, the goal is to ensure quality of services impacting the health, life and safety of the deaf and hard of hearing community in Illinois. This recommendation will be further developed when the Task Force reconvenes.

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CART CONSUMER BILL OF RIGHTS

The National Court Reporters Association (NCRA) wishes to communicate to CART consumers the basic rights to which users of Communication Access Realtime Translation (CART) services are entitled when served by a professional CART provider.

Article I

Professionalism. CART consumers have a right to expect CART providers to act in a professional manner, treating consumers with dignity, respect, and courtesy at all times; to dress in attire appropriate for the assignment and setting; and to provide services in accordance with the NCRA Guidelines for Professional Practice, Sections III and IV.

Article II

Education. CART consumers have a right to expect CART providers to be professionals who have passed stringent training and certification requirements and have undergone several years of postsecondary education to provide effective communication access.

Article III

Sensitivity. All CART consumers, regardless of differences in abilities, have a right to expect CART providers to have an awareness of and sensitivity to their needs. Also, CART consumers have a right to expect CART providers to have a general knowledge about hearing loss and a general understanding of preferred communication modes and beneficial accommodations. CART consumers have a right to share their preferred method of communication.

Article IV

Confidentiality. CART consumers have a right to expect CART providers to preserve their confidentiality (unless otherwise ordered by a court of law), to respect their right to privacy, and to not disclose information without their consent.

Article V

Impartiality. CART consumers have a right to expect CART providers to provide equal services to all parties in all aspects of CART and to disclose any potential conflict of interest or inability to be impartial before providing services.

Article VI

Accuracy. CART consumers have a right to expect clarity and accuracy of transcription, while recognizing these factors are highly dependent on the information provided to CART providers prior to the assignment as well as the speed and clarity of the speaker.

Article VII

Preparation. CART consumers have a right to expect CART providers to be prepared for the assignment and to have created a job dictionary, including speaker identifications and terminology, utilizing the information provided by consumers or clients prior to the assignment. Regardless of assignment-specific terminology, CART consumers have a right to expect CART providers to have an extensive vocabulary and to be familiar with terminology in a number of different settings, to be able to spell words which are not in their specific computer dictionary, to maintain a high level of skills, and to be able to use and troubleshoot the computer software used to provide CART services.

Article VIII

Staying in Role. CART consumers have a right to expect CART providers to refrain from commenting, interjecting, advising, or in any way becoming involved in the assignment outside the role of communication access. Exceptions may occur with CART consumer permission.

Article IX

Consumer Choice. CART consumers have a right to make informed seating decisions, screen readability decisions such as foreground and background colors, font style and size, in conjunction with the CART provider's needs such as electrical outlets and safety. When there is more than one CART consumer, the needs of all consumers will be balanced for maximum effective communication access for all.

Article X

Roughly edited files. CART consumers, based upon the contract between the CART provider and the hiring party, may have a right to a roughly edited file of the assignment. Whether or not this file will be provided should be agreed upon before the assignment and is dependent upon many factors including institutional policies, work product, compensation arrangements, and confidentiality issues. If so authorized, CART consumers have a right to expect CART providers to roughly edit the file to remove any mistranslates or untranslates and to provide the file to the consumer in an agreed-upon format.

RESOURCES

- Summary Health Statistics for U.S. Adults: National Health Interview Survey, 2009 — <http://www.ncbi.nlm.nih.gov/pubmed/21905346>
- United States Census Bureau, 2010 Census—<http://2010.census.gov/2010census/data/>
- Americans with Disabilities Act—<http://www.ada.gov>
- Illinois Department of Financial and Professional Regulation – Certified Shorthand Reporters — <http://www.idfpr.com/profs/info/ShorthandReporter.asp>
- Illinois Court Reporters Association — <http://www.ilcra.org/communities/cart/what-cart.html>
- Texas Court Reporter Association — http://www.tcra-online.com/services_cart.htm
- Nevada Department of Health and Human Services—CART registry and information — http://dhhs.nv.gov/ODS_CommunicationServ-Int_CART.htm
- Massachusetts Health and Human Services CART Referral — <http://www.mass.gov/eohhs/consumer/disability-services/services-by-type/deaf-hh/cart/providers/>
- National Court Reporters Association—The CART Community—<http://www.ncra.org/Membership/content.cfm?ItemNumber=9082&navItemNumber=11456>
 - CART Provider’s Manual
 - Consumer Bill of Rights
 - Guidelines for Professional Practice
 - NCRA CART Community of Interest, Consumer Awareness and Recommended Style and Format Guidelines for Communication Access Realtime Translation (CART) Providers Revised 6/15/10

ACKNOWLEDGMENT

The Task Force sought to explore ways to improve the quality and availability of CART services to Illinois' deaf and hard of hearing community. At the same time, the Task Force wishes to advance the CART profession by recommending minimum guidelines in order to provide quality CART services.

The Task Force members would like to thank IDHHC for providing the resources to facilitate the meetings. Additionally, the members wish to recognize and thank our IDHHC Liaison, Tonia R. Bogener, for her insight and invaluable support during this process.

It is our hope that these recommendations will serve to inspire prospective CART providers to gain valuable additional skills as well as ensure quality services are provided to the deaf and hard of hearing consumers.



This publication can be downloaded at
<http://www.idhhc.illinois.gov>.