

Approved September 11, 2020

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
Lincoln Firefighter Reception Hall
241 Victory Lane, Lincoln NE
July 24, 2020 Meeting Minutes**

A. Opening

Chairperson Jeremy Fitzpatrick called to order the meeting of the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) full commission board meeting on July 24, 2020, at 8:30 a.m. at the Lincoln Firefighter Reception Hall, 241 Victory Lane in Lincoln, Nebraska.

B. Notice of Open Meeting

Chairperson Fitzpatrick announced that the notice of the meeting was duly given, posted, published, and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. Publication of official notice of the meeting appeared in the July 17, 2020 edition of the Omaha World Herald, a legal newspaper of general circulation in this state, as required by the Open Meetings Act. The agenda was kept current in the Nebraska Commission for the Deaf and Hard of Hearing's office and on the board's website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public, and in accordance with the Open Meetings Act. A copy of the Open Meetings Act is available for the duration of the meeting.

C. Roll Call

For the record, Board Members Mr. Jeremy Fitzpatrick, Ms. Candice Arteaga, Mr. Robert Feit, Dr. Stacie Ray, Ms. Sandra Shaw and Mr. Norman Weverka all present. Ms. Frances Beurivage will be arriving late. Ms. Diane Schutt and Mr. Jonathan Scherling were absent. NCDHH Staff members present are Mr. John Wyvill, Executive Director; Ms. Stephanie DeGroot, Business Manager; and Ms. Kelsey Cruz, Public Information Officer. Interpreters present were Mr. Ben Sparks and Ms. Amber Tucker. Ms. Margaret "Mydge" Heaney with Exclusive Reporting Inc. providing CART services.

The board members presented Chairperson Jeremy Fitzpatrick with a gift to thank him for all that work that he has completed while being the board Chairperson. Chairperson Fitzpatrick thanked the members sharing that it has been an honor for him to be a part of the board.

D. Review of Agenda

Executive Director Wyvill reviewed the agenda with the Board Members.

E. Acceptance of Agenda

Chairperson Fitzpatrick reminded those present for the meeting that the agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act.

Board Member Mr. Norman Weverka moved to accept the agenda as written. Board Member Mr. Robert Feit seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick,

Ms. Arteaga, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Ms. Frances Beurivage, Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

F. Acceptance of Minutes

Chairperson Fitzpatrick asked for changes or corrections to the March 13, 2020 meeting minutes.

Board Member, Mr. Robert Feit, moved to accept the minutes as written. Board Member Ms. Candace Arteaga seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Ms. Frances Beurivage, Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

G. Chairperson of the Board Report

a. Public Comments

Chairperson Jeremy Fitzpatrick suggested to Director Wyvill that we offer to the public to be able to participate by Zoom to be able to give their comments. Adding that we are not going to do this for today's meeting, this could change in the future. Correspondence was sent out to have individuals submit their comments by email. Chairperson Fitzpatrick shared that a former colleague Mr. Dillard Delts sent a letter to be shared during today's meeting.

Director Wyvill read Mr. Delts letter:

Greetings NCDHH Commissioners and Staff!

2020 is turning out to be one of the most bizarre years the world has ever experienced in recent memory. The COVID-19 pandemic is continually being compared to the Spanish influenza pandemic of 1918. Most of us have no recollection of the Spanish influenza, but the available records tell us it was a difficult time for humanity. The Coronavirus pandemic is no different today. We are confronting several new and challenging experiences that test our patience and tolerance!

In the Deaf and Hard of Hearing community, COVID-19 has shown us how far our civil rights have progressed. As you know, the 30th anniversary of the Americans with Disability Act (ADA) is approaching (June 26th). After 30 years, the disabled community has seen very little forward progress and much resistance to the law. Like the Civil Rights act of 1964, securing nationwide compliance is an uphill battle that must continuously be fraught. National Association of the Deaf, Hearing Loss Association of America, Association of Late-Deafened Adults, National Black Deaf Advocates and various others continue to protect and advance the civil rights of Deaf and Hard of Hearing people in the United States.

Our goal to elevate Nebraskans of the Deaf and Hard of Hearing community has not changed at the State and local levels. That all begins with communication; Mr. Wyvill and the NCDHH staff have actively been fighting to install transparent masks

in critical environments across Nebraska. Their actions deserve recognition and applause! But our duty does not end there; much more work needs to be accomplished. Many organizations across the state are reviewing their inclusivity policies and having open discussions with minority groups and people of color to better represent those they serve. NCDHH needs to get involved in such conversations. No organization or group is exempted from being inclusive in its operations.

It is time to consider re-evaluating the commissions' mission, vision, and goals/objectives. NCDHH needs to demonstrate an inclusive commitment by refusing to dismiss anyone based on race, color, religion, sex, gender identity, sexual orientation, national origin, age, or disability. It is no longer beneficial to the community to say such things are "implied" in the organization's fibers. It is better to express such a commitment in writing for all to see and understand.

The current mission and vision statements have served NCDHH well to date. However, such statements are not static; they should evolve, so the commission is always proactively meeting the changing needs of Nebraskans they serve.

Members of the Board and Commission Staff take the time to review and upgrade the mission statement, vision statement and goals/objectives, so NCDHH is ready to face 2021 and beyond with a stronger and more inclusive commitment to evaluate Nebraska's Deaf and Hard of Hearing Community!
Enthusiastically,

Dillard Delts

Chairperson Fitzpatrick noted that he would get in touch with Mr. Delts. As a little context we did review the mission statement last year. The board needs to look at the Agency Mission Statement again at some point in the future.

Ms. Deb Graegin with Purple Relay Service and Community from Omaha introduced herself to the board members sharing a bit about Purple.

b. Chairperson's Report

c. Dr. Frank Turk Excellence in Education Presentation

Chairperson Jeremy Fitzpatrick shared that this is our first year with the award named for Dr. Turk who most all of you know really well. Chairperson Fitzpatrick has a brief overview of Dr. Turk's accomplishments. The criteria for the award is to be an educator of the deaf or in the education field.

The 2020 Dr. Frank Turk Excellence in Education Award goes to Mr. Jonathan Scherling. Mr. Scherling was not present in the room at the board meeting, but was participating for this portion of the meeting via FaceTime for the presentation of the award.

Chairperson Fitzpatrick gave an overview of Mr. Scherling's accomplishments. Mr. Scherling thanked the members for the award and how much getting this means to him. Mr. Scherling added that Dr. Turk has always been someone that he has looked up to, Dr Turk is a wonderful role model.

Ms. Frances Beurivage arrived at the meeting during the presentation.

d. Election of Officers

The decision was made to do the election of officers at the September, 2020 meeting.

Chairperson Jeremy Fitzpatrick shared with the members that Dr. Stacie Ray, Mr. Norman Weverka and himself are finished with their terms the end of this year. Adding for that reason it doesn't make sense for the three of them to be elected to an officer position that they would not be able to fulfill the term on. Ms. Diane Schutt is absent today, her term is coming up the end of this year but she is eligible for another term if she would like.

Conversation between the members about voting by email. Discussion can take place by email, but no voting.

Discussion on how the election of officers process should work at the September, 2020 Board Meeting.

Chairperson Fitzpatrick shared with the members what the Board Chairperson's duties are.

Chairperson Fitzpatrick asked that all the members could indicate to Director Wyvill the offices that you are interested in. The next meeting we will have a paper ballot. Stressing that you can show interest in more than one office.

e. Interpreter Review Board (IRB) Appointments

Chairperson Jeremy Fitzpatrick announced that Ms. Jessica Nickels and Ms. Peggy Williams are up for re-appointment on the Interpreter Review Board, adding that he has discussed with Executive Director that the staff enthusiastically recommend that they be re-appointed. Chairperson Fitzpatrick agrees. Would anyone like to make a motion on this?

Board Member, Mr. Norman Weverka moved to approve that Ms. Jessica Nickels and Ms. Peggy Williams be re-appointed for another term on the Interpreter Review Board. Board Member Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

f. Legislative Update

a. Language Equality and Acquisition for Deaf Kids (LEAD-K)

Director Wyvill shared that the LEAD-K and the American Sign Language Bill were filed as two separate bills, LB-965. The American Sign Language bill was sponsored by Senator Anna Wishart, the LEAD-K bill was sponsored by Senator Mike McDonnell. The Senators and the members of the Education Committee decided to combine these two bills into one.

Legislature took a break in the middle of the session due to COVID-19.

Director Wyvill added that legislative staff submitted a fiscal note for Department of Education. NCDHH submitted a fiscal note saying that we would absorb any potential costs for LEAD-K in house because that would only require the cost of sign language interpreters and coordinating meetings for LEAD-K. NDE told a legislative staff person that said that it was going to cost them \$50,000 to do the bill, and hire a part time person. During the break the Speaker of the Senate basically said that they are not going to advance any bills that will have a potential fiscal impact on it. Director Wyvill discussed with Department of Education regarding the fiscal impact and how to proceed with this bill. Department of Education agreed to withdraw the fiscal note if NCDHH will provide the amendment on the delaying the date that LEAD-K becomes effective, was initially scheduled for July, 2020.

Director Wyvill shared that as of today, LB-965 is on its second reading, and we don't expect any problems with the bill. Anticipating that the bill will be read on one of the last days of the session.

Chairperson Fitzpatrick gave credit to Director Wyvill and his staff on the tremendous success that you've had with the legislature with LB-15 (Hearing Aid Insurance Bill) and now with this bill. Board Member Robert Feit agreed with Chairperson Fitzpatrick's comments. Board Member Feit asked Director Wyvill what the new implementation date is. Director Wyvill responded that it is pushed back 1 year.

Discussion on who will be a part of the committee to advise LEAD-K.

b. American Sign Language (ASL) as a recognized language

Discussion in G.6.a.

c. Proposed Biennium Budget and Budget Update

Director Wyvill shared with the members that by September, 2020 the Agency has to forecast what the next two year budget will look like, which will start in July, 2021. In addition we are operating under our current budget, with COVID-19 and because of the impact on the economy is that there is going to be revenue reductions. Director

Wyvill shared that the Agency is asking for a baseline budget that means we are not asking for any additional funds. We are just asking to keep what we have. NCDHH is requesting that the Agency is able to keep any money that we don't use, this money would be carried over for the following year.

Director Wyvill shared with the members an explanation of budget process works with the State of Nebraska. Explaining that last year the Agency came in 8.35% under budget, we were able to convince the legislature that we could carry over that money. Director Wyvill added that we are 9.48% under budget in our salary, this is a very good position to be in. Please note that Carly Weyers and Brittney Isom are two individuals that we have not filled the positions for a while, and will be starting the interview process next week. Director Wyvill gave a recap of the vacancies that are currently available at the Agency.

Director Wyvill gave a timeline to the board members on how submitting the budget process works, and that the board members are the ones who set the priorities for what the budget includes. This is your opportunity to tell us what your priorities are.

Discussing about changes in the budget and the raises that state employees receive.

Ms. Stephanie DeGroot, Business Manager reported that if the agency would have been fully staffed during this past year, we would have still been under budget.

Board Member Norman Weverka shared with the members the importance of adding an additional Advocacy Specialist to the Lincoln office.

Conversation on needing the additional Advocacy Specialist in Lincoln.

Director Wyvill encouraged the members to not hesitate in asking questions regarding the budget to either himself or Business Manager Stephanie DeGroot.

Board Member, Mr. Norman Weverka moved to accept the biennium budget as presented. Board Member Mr. Robert Feit seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

g. Audit Report

Director Wyvill shared that the Agency was recently audited by the Auditor's Office, this is generally completed once every four to five years.

Director Wyvill updated the members on how the audit was handled during COVID-19 with many individuals working from home.

For the exit interview the auditor said that they found far less during this audit than they did the last time around, which is positive. Within six months we have to notify the appropriations committee and the Governor on what is called our corrective action plan to report what is completed. There are two aspects to the audit, public and management. One example of the issues noted in the audit was segregation of duties when it comes to capital assets, this is primarily our agency computers. Director Wyvill went on to explain a recap of the audit findings to the members of the board.

Chairperson Fitzpatrick offered the members the contact person's name and number if anyone would like to contact them with further questions they may have. Chairperson Fitzpatrick also shared at the end of the exit interview he commented to the auditors that his understanding was that they were giving us a healthy report. The auditors agreed with that statement.

Ms. Stephanie DeGroot, Business Manager was available for questions if needed.

Board Member, Ms. Frances Beurivage moved to accept the audit report with the understanding that the agency will be providing the members with the formal communication to the Governor and legislature for the corrective action plan. Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

A break was taken.

Back in meeting at 9:56am

H. Executive Director Report

a. Access to Healthcare Update

Director Wyvill shared that one of the biggest things that was implemented during COVID-19 was making sure that the Governor and the Mayors of Lincoln and Omaha had sign language interpreters present during their press conferences. Director Wyvill noted that this was a team effort but proud to say that when the issues were raised to the Governor and the two Mayors that they responded and provided interpreters appropriately.

Next, in terms of access to healthcare the Agency has been raising a number of different issues about access, with one of them advocating for clear masks. The bigger issue is making people aware in the healthcare settings that with the masks there's a communication barrier.

Director Wyvill added that in terms to COVID-19 that the Agency has been trying to stay in touch with the 'Stay in Touch, Stay Connected' campaign. The Agency has reached out to over 562 clients and 728 organizational contacts.

Director Wyvill shared that he received approval from Department of Administrative Services (DAS) with the State of Nebraska to purchase and distribute clear masks to all licensed

interpreters in Nebraska. We have received great feedback from the interpreting communities that they did not have access to clear masks. The Agency will be reimbursed from the federal funds given to the state for COVID-19 expenses.

One of the other ongoing issues is communication access as providers move to telehealth. NCDHH has asked consumers to contact us with complaints regarding Video Remote Interpreting (VRI). Companies.

Director Wyvill also shared about making people aware of communication plans for deaf and hard of hearing students in the school systems. Department of Education and local school districts to have a communication plan in place that will accommodate the deaf and hard of hearing students. Discussion on this topic between the members. Chairperson Fitzpatrick encouraged Director Wyvill to continue to do what he and his team is doing in working with the educational systems.

Director Wyvill also reported to the board that his Lincoln and Omaha teams have been rotating schedules with when they are in the office, and are requesting that individuals coming into the office have an appointment.

b. Town Hall Meeting in Kearney

Director Wyvill reminded the members that at this time the September board meeting will be held in Kearney with a Town Hall Meeting the night before. Given this is all dependent on the current situation with COVID-19. The Town Hall Meeting and the Board Meeting will be held at the Best Western Plus in Kearney. A decision on if we proceed with having the town hall meeting and board meeting in Kearney will be made in August.

Conversation regarding complications with securing a second interpreter for the September 11, 2020 board meeting. This may include conversation with the Interpreter Issues Committee to make the decision on which interpreters to utilize if needed.

Discussion on the scenarios for having the meeting in Kearney.

Discussion on having board meetings by Zoom under Nebraska Open Meetings Act and how that would work since the Governor Emergency Order expired July 1, 2020.

c. Bi-Weekly Reports

Director John Wyvill referenced the copies of his bi-weekly reports that he emails to the board members that were in the board package.

d. Advocacy Specialist's Top Ten Report

Director John Wyvill shared that the NCDHH staff have submitted their Top Ten Reports that have taken place since the previous board meeting that were in the board package.

e. Marketing Report

Ms. Kelsey Cruz, Public Information Officer gave a recap of the report that she submitted for the board packets. The biggest change is the number of videos and vlogs that the Agency put out. Adding that social media had a huge impact when COVID-19 first started. There has also been a lot of TV and news media coverage. Ms. Cruz add that the Salt Dogs Game this year was cancelled due to COVID-19. At this point we are on track to have our annual deaf and hard of hearing awareness day at the Omaha Zoo, currently scheduled for October 4, 2020.

Board Member Ms. Candace Arteaga made the motion to accept the Executive Directors Report as presented. Board Member Ms. Frances Beurivage seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

I. Public Comment

Mr. Thomas Beyer, representing Nebraska Registry of Interpreter for the Deaf (neRID) addressed the board members by wanting to give NCDHH a pat on the back during this very challenging time not only for state government but as individuals. Mr. Beyer thanks all of the board members for being there as volunteers. Also adding they appreciate the masks, the legislation going on because it benefits the deaf community, and we appreciate everyone here because you all bring something different to the table.

Chairperson Fitzpatrick thanked Mr. Beyer for his kind words. He asked Mr. Beyer about the need for getting a deaf representative on the Interpreter Review Board. Mr. Beyer encouraged NCDHH to continue to make the need known to the Deaf community that the Agency is in need of another Deaf representative.

J. Old Business

No old business to report

Chairperson Jeremy Fitzpatrick shared with the members that at the September board meeting is when Director Wyvill has his evaluation. A slight change from previous years is that the staff evaluations of Director Wyvill used to go to the Business Manager to compile. Now these are to go to Department of Administrative Services (DAS) to be compiled and presented to the board. The evaluations that the board members do of Director Wyvill also go to DAS. Discussion on the merit increase with the Director's evaluation.

K. New Business

Interpreter Issues Committee Report

Director Wyvill shared that at a previous board meeting several members of the public came to the board expressing their concern about the interpreter gap, pertaining to the gap for which a person graduate from an Interpreter Training Program (ITP) and it takes a couple of years to get their license. They don't feel that there is appropriate support within the state and somehow the current structure serves as a hindrance for those who decide to become community interpreters.

Director Wyvill gave a recap of the discussion at the previous board meeting. A concept paper was

put together and met with the interpreter issues committee on June 25, 2020. Included in your board packet is the results of that meeting.

One option being considered is the possibility of an apprenticeship license for interpreters that just graduate from an accredited program. This was shared with neRID, which they returned with their feedback in terms of what it should look like. Conversation was had on how the apprenticeship license proposal would be developed with the IRB the rules and regs task.

Another option that has been discussed is that NCDHH should not be in the business of running a mentorship program. NCDHH did have a mentorship program years back that had a number of issues.

Next option is to have a 'Train the Trainer Program', which NCDHH would provide the opportunity for individuals in Nebraska who want to be mentors, either deaf or sign language interpreters. This would provide these individuals the key training needed to provide this service.

Director Wyvill shared that Chairperson Jeremy Fitzpatrick, Board Member Ms. Candace Arteaga and Board Member Ms. Frances Beurivage are part of the Interpreter Issues Committee.

Conversation between the members on what this would entail.

Board Member Ms. Frances Beurivage made the motion to approve the board supporting moving forward with the mentorship training program to assist ITP student's transition from graduation to licensure and develop an apprenticeship licensure for review. Board Member Ms. Candace Arteaga seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Dr. Ray, Ms. Shaw and Mr. Weverka all voting aye. Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

L. Adjourn

Board Member Mr. Norman Weverka moved to adjourn the meeting at 11:01am. Board Member Ms. Sandra Shaw seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Dr. Ray, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka voting aye. Mr. Jonathan Scherling and Ms. Dianne Schutt were absent.

Next meeting is:

- September 11, 2020 from 8:30a – 1:30p
Best Western Plus
224 2nd Ave S
Kearney NE