

*DRAFT – Subject to Board review and approval on the
December 9, 2022, meeting date*

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
Hampton Inn, 200 Platte Oasis Parkway, North Platte Nebraska**

September 9, 2022 Meeting Minutes

A. Opening

Chairperson Candice Arteaga called the meeting to order for the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) full commission board on September 9, 2022 at 8:39 a.m. at Hampton Inn, 200 Platte Oasis Parkway, North Platte Nebraska.

B. Notice of Open Meeting

Chairperson Candice Arteaga 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 September 2, 2022, 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 NCDHH website. The materials generally used by the Board for the meeting today are on a table in a public folder that is available to the general public for the purpose of this meeting in accordance with the Open Meetings Act {Neb. Rev. Stat. §84-1412 (8)}. A copy of the Open Meetings Act is available for the duration of the meeting.

C. Roll Call

For the record, Board Members Ms. Candice Arteaga, Mr. Robert Feit, Ms. Frances Beurivage, Ms. Brooke Fitzpatrick, Ms. Valerie "Vali" Hitz, Mr. Jonathan Scherling, Ms. Diane Schutt, Ms. Sandra Shaw and Ms. Peggy Williams were all present for roll call. NCDHH Staff members present were Mr. John Wyvill, Executive Director; Ms. Kelsey Cruz, Public Information Officer; Ms. Kathy Scusa, Advocacy Specialist; Ms. Susan Whitaker, Advocacy & Educational Specialist; Ms. Sharon Sinkler, Interpreter Program Coordinator. Sign Language Interpreters present were Ms. Amber Tucker and Ms. Bethany Bubar. Ms. Margaret "Mydge" Heaney with Inclusive Communication Access Nebraska provided CART services.

D. Review of Agenda

Executive Director John Wyvill reviewed the agenda with the Board Members.

E. Acceptance of Agenda

Ms. Diane Schutt moved to accept the agenda as written and presented. Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

F. Acceptance of Minutes

Mr. Robert Feit moved to accept the June 17, 2022 meeting minutes as presented. Mr. Jonathan Scherling seconded the motion. Ms. Brooke Fitzpatrick made the motion to make a change to page 6, third paragraph should be Ms. Brook Fitzpatrick is the one who asked how is Nebraska in relation to other states. With no further discussion, the motion carried with the change noted by Ms. Brooke Fitzpatrick with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

G. Chairperson of the Board Report

1. Public Comments

No public comments

Ms. Kathy Scusa, Advocacy Specialist in North Platte introduced herself to the board sharing that she has been with the board for 7 ½ years. Saying that she has learned a tremendous amount since working at NCDHH regarding the deaf community. Ms. Scusa covers 25 counties, with approximately ten individuals who use American Sign Language (ASL) as their primary language. She enjoys helping her consumers in educating them about the programs and services available. Ms. Scusa noted that she is amazed that NCDHH has been around since 1979, and there are still many people who have not heard about us. Ms. Scusa was thanked by the board members for setting up the town hall meeting, dinner, and board meeting.

2. Recap of the September 8, 2022 Town Hall Meeting

Ms. Kathy Scusa shared regarding those who attended the town hall meeting: individuals from the newspaper, TV, college, fire department, 911 communication center, and the police department. These are all important entities that came to discuss our services to the area and how that can be enhanced.

Conversation between the board members on the town hall meeting.

Board Chairperson, Candice Arteaga invited Ms. Susan Whitaker to come forward to report her activities in western Nebraska.

Ms. Susan Whitaker, Advocacy and Education Specialist in Scottsbluff introduced herself to the board. There are a few deaf individuals in the panhandle, and the number of hard of hearing individuals is overwhelming. Adding that there is a lot of work to do on the education front. Ms. Whitaker also talked about her role as the Education Advocate, she has received several phone calls from parents wanting to get their child into Iowa School for the Deaf (ISD). Conversation also on how she has been working with Lincoln Public Schools (LPS) and Omaha Public Schools (OPS). Sharing that some kids do well being mainstreamed, there are some kids that need that extra support of attending ISD.

Ms. Whitaker also shared about the Disability Disaster Preparedness Workshop that she is planning for this fall. She has pulled in a few other agencies that work with disability groups, hoping to have 200 attendees. The goal is to teach people with disabilities how to make

emergency kits and make them specific to their own needs. Conversation on how the workshop will be presented.

Board Chairperson, Ms. Candice Arteaga thanked Ms. Whitaker for her involvement with the children and working with the educational facilities to assure the children are getting their needs met. Conversation between the board members regarding children being mainstreamed or sent to ISD.

Ms. Frances Beurivage asked Ms. Whitaker what issues she is dealing with related to the educational interpreters. Ms. Whitaker replied that the main thing is that they have no supervision, no one to be accountable to. Adding that the other half is code of ethics and abiding by them in their positions. Conversation between the board members and Ms. Whitaker on this.

Ms. Peggy Williams asked Ms. Whitaker if there are issues with the availability of finding community interpreters. Ms. Whitaker responded that there is a huge problem with finding community interpreters across the state. Noting that this has been an ongoing problem since she was a sign language interpreter years ago. Conversation on what is needed to resolve the issue of shortage of sign language interpreters.

Board Chairperson, Candice Arteaga gave both Ms. Scusa and Ms. Whitaker a small token of appreciation for their desks.

3. Over the Counter (OTC) Hearing Aid Update

Director Wyvill shared with the board members the handouts referencing the press release and decision made by the Biden Administration to finalize a historical rule to enable access to OTC hearing aids for millions of Americans. Director Wyvill gave some history on what led to this action by the Biden Administration. The release from the Food and Drug Administration (FDA) was a part of the board members hand outs to reference. Director Wyvill shared that this was widely applauded by the Hearing Loss Association advocates, and on the other hand audiologists are a bit concerned. Director Wyvill shared that NCDHH has been contacted by the media, however NCDHH has not taken a formal position as to whether OTC hearing aids is good or bad.

Conversation between the board members and Director Wyvill regarding the pros and cons of OTC hearing aids. Director Wyvill is asking if the board would like to have the staff prepare a position statement for the next board meeting. After approved by the board in December, NCDHH can start working with the congressional delegation to educate the organizations and consumers by offering NCDHH's position on this subject.

Mr. Jonathan Scherling made the motion that the NCDHH staff draft a position paper regarding OTC hearing aids. Ms. Valerie "Vali" Hitz seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr.

Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

4. Legislative Agenda Overview and Discussion

- **NCDHH proposed budget**

Director Wyvill outlined the handout in the board packet regarding the proposed budget that NCDHH is currently working on for the next two years.

- **March 2022** – Preliminary Board Discussion
- **June 2022** – Proposed Budget
Submitted to the board for their approval.
- **September 2022** – Last minute adjustments to submit online
This is where Ms. Jacqueline “Jackie” Novak, Business and Finance Manager submits the budget into the state’s system.
- **January 2023** – Budget recommendation from the Governor
Around the state of the state address by the Governor, there is a budget recommendation that is received by NCDHH.
- **February / March 2023** – Appropriation Hearing
The Appropriations Committee decides what their recommendations are for our agency. Director Wyvill added that this is when we go and ask for funding.
- **May 2023** – Finalized by Governor and Legislature
The budget gets finalized by the Governor, then the budget goes into effect in July 2023.
- **July 2023** – Goes into effect

The board has asked that the proposed budget remain at base level, which means it is the same that we had for the past two years. When preparing the budget, we add in the cost-of-living increases, or the raises for the staff that is governed by the labor contract.

Next is the reappropriation, which is saying any unspent money that we have, we want to keep for the next two years, this is considered carry over money.

Director Wyvill also explained to the board the cash funds that the agency has. The legislature can not touch our cash funds, but they can tell us how much we spend. Currently, the agency has the spending authority to spend cash funds for \$36,000. Right now, in our cash account is \$50,000, for the upcoming interpreter workshop fee for the presenter of \$5,000 will come out of this cash fund.

Regarding program requests, currently the board has given us direction for a health advocate position, funding to support the hearing aid bank, and to be supporting the

Deaf Culture and Heritage Museum.

The last item that the agency is asking for has been a recent development regarding the staffing of our Omaha office. Currently, we have four deaf employees in the Omaha office, with only one sign language interpreter. We also have Kim Davis who is out of our Lincoln office. Director Wyvill added that NCDHH is fortunate that we have five members of our team who are fluent in ASL as their first language. How do we accommodate these team members with proper communication access in the workplace setting? Asking the board if we should address this by contracting with sign language interpreters to provide services in the Omaha office, or if we should look at a part-time or full-time sign language interpreter to be on staff. Director Wyvill shared with the board for the month of September we have had either a contracted sign language interpreter or Ms. Sharon Sinkler, Interpreter Program Coordinator present in the Omaha office one day a week. The difference of opinion is the challenge of effective utilization of the sign language interpreter while present in the office. Noting that this is a pleasant challenge in how to address this need in our agency. Discussion item for the board is should we ask the legislature for additional funds in the next two years to be sure effective communication access is being addressed properly? Currently we do have the capacity to hire a person, but the question is can we find a qualified sign language interpreter full time or part time?

Board Chairperson Candice Arteaga asked for clarification on what the four employees do in Omaha currently with only having one sign language interpreter? Asking if one interpreter is enough. Director Wyvill replied that the team members needs ask for approval from the director when needing a sign language interpreter. This approval process is for anytime money is being spent by the agency, for example when a car of rented to travel out of town for a presentation. Discussion on how it currently works with only having one interpreter in Omaha periodically.

Director Wyvill restated that the issue that we are dealing with it is effective utilization of having a sign language interpreter in the Omaha office. The ability to provide the interpreter is not the issue, it's the effective utilization of using the interpreter. Gave an example if we have a full-time sign language interpreter who only interprets ten hours a week, that interpreter will get bored quickly. The converse side of this is we have had other sign language interpreters with additional duties, they come back with that they just want to interpret.

Ms. Frances Beurivage added that she wants to see the spontaneity of the deaf team members being able to provide services and not have to plan everything around having to get a request to have a sign language interpreter approved by the director. Adding that it would be nice if the deaf teammates had more access to a sign language interpreter in the Omaha office. Ms. Beurivage is recommending that the board proceed with approving either a part-time or full-time sign language

interpreter for the Omaha office.

Director Wyvill says that he thinks the agency will have enough flexibility this far out to say we are funding for a full-time position. His desire is by the first of October to know how we are going to address the need for a sign language interpreter in Omaha short term. As far as long term goes, we need a policy set by the board so that we know how to address the budget needs.

Ms. Frances Beurivage shared that she would support the concept of putting in the budget requesting for a part time sign language interpreter. Conversation between the board members on asking for funding for a sign language interpreter.

Director Wyvill said that he needs clarification on if the agency can proceed with asking for sufficient funding to staff a part-time sign language interpreter. The budget is due next week, the board needs to give us some direction today if possible. Director Wyvill shared that he is fine with taking direction from the conversation taking place that it is approved to ask for funding a sign language interpreter position. Director Wyvill thanked the board for their guidance on this matter.

Mr. Robert Feit asked Director Wyvill regarding last years budget that the agency severely overspent on travel; is this because you were catching up with places you hadn't been because of COVID? Director Wyvill responded that the agency is going to adjust the travel line item. Mr. Feit asked for clarification on what he is intending to do for the future. Director Wyvill replied that the agency will continue to look at various expenses for the agency so that we can adjust other areas as needed. Mr. Feit responded that he understands what he is doing, from a fiscal standpoint he doesn't have to like it.

- **Legislative items to consider for the December board meeting**

Director Wyvill asked the board members to be thinking about what our legislative agenda should be this next year. Adding that we have had tremendous accomplishments in the last several years. Shared that he has talked informally with Nebraska Association of the Deaf (NeAD) about whether we should consider asking for an interim study for a Nebraska School for the Deaf or a concept of a centralized school for deaf and hard of hearing students. This would be a study where Nebraska Department of Education (NDE), NeAD, and NCDHH would work together and report back the findings that could decide moving forward and being proactive.

Mr. Jonathan Scherling asked about having a legislative item be working with DeafBlind individuals in needing Support Service Providers. This would involve working with Nebraska Commission for the Blind and Visually Impaired (NCBVI). Director Wyvill shared that he would visit with Ms. Kim Davis, Advocacy Specialist in Lincoln who primarily works with DeafBlind individuals and report back.

Director Wyvill shared that the agency has asked for in the past is captioning on all TV's in the city of Lincoln. Unfortunately, this is on the back burner with the City Council because there is much debate on the fairness ordinances.

Director Wyvill asked members of the board to email him any ideas that they are interested in, he will then compile and present to the board for a formal vote in December.

Ms. Robert Feit made the motion to approve the proposed budget as presented. Mr. Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

Break was taken – report back at 10:30am

5. Executive Director Performance Review (closed session)

Mr. Jonathan Scherling made the motion to go into a closed session for a discussion of the Executive Director performance review at 10:30 a.m. Ms. Valerie “Vali” Hitz seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

Board Chairperson Candice Arteaga announced at 1:06 p.m. that the board members were back in open session.

No action regarding the Executive Director performance review.

6. Election of Board Officers

Ms. Frances Beurivage made the motion to postpone the voting of the officers until the December board meeting. Mr. Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

Mr. Robert Feit shared that he will not be running for a second term.

H. Executive Director Report by John Wyvill

1. Budget Report

Director Wyvill shared that the budget report shows that the agency is roughly 5% under budget, and about 2% under budget for personnel.

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

Director Wyvill shared that NCDHH had a presentation at the Deaf Heritage Museum and Cultural Center, with the Commissioner of Education, Matthew Blomstedt present the compiled report from LEAD-K.

Director Wyvill also shared he and Ms. Susan Whitaker met with Ms. Amy Rhone, with NDE to discuss the next steps now that we have the LEAD-K report.

3. Top 10 Report

Director Wyvill added that the Top 10 report outlines what our extraordinary staff has been doing since the last board meeting.

4. Marketing Report

Director Wyvill asked Ms. Kelsey Cruz, Public Information Officer to come forward and give the marketing report.

The marketing report includes some of the top posts that we've had on social media. With the top of the list being LEAD-K / NDE presentation with nearly 6,000 people reached.

Ms. Cruz shared with the board members about doing an employee spotlight on each of the advocacy specialists which is a vlog. This will share a little bit about themselves and what they do.

Events coming up is the Omaha Henry Doorly Zoo on September 25, 2022. Mr. Jonathan Scherling and Ms. Valerie "Vali" Hitz are assisting with the Deaf Connect readings and animal sign classes. Also asked if the board members want tickets to please let her know so that she can reserve them.

Also adding a couple of other upcoming events is an interpreter workshop in Omaha and the Disability Disaster Preparedness Workshop in Scottsbluff.

Ms. Valerie "Vali" Hitz asked Ms. Cruz if she can get any of the rural fund postcards. Ms. Cruz replied that we can either mail some to her, or she can stop by the office to pick them up.

Ms. Frances Beurivage asked Director Wyvill if he had anything to report on the rural access funds or the legal access money? Director Wyvill replied that the agency has processed four bills and spent approximately \$4,000. Adding that we are continuing to market and outreach as we move forward.

Mr. Jonathan Scherling moved to accept the executive director report as presented. Ms. Peggy Williams seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

I. Committee Reports

1. Interpreter Issues Committee

Director Wyvill shared that NCDHH has an internal policy governing the pay scale for contracted

sign language interpreters. The recommendation from the Interpreter Issues Committee (IIC) is to no longer maintain that policy.

Mr. Robert Feit moved accept the recommendation of the IIC for NCDHH to no longer have an internal policy governing the rates that we pay contracted sign language interpreters. Ms. Peggy Williams seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beaurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

J. Public Comment

No public comments

K. Old Business

No old business

L. New Business

Director Wyvill shared with the board members that Ms. Patty Reitz and Mrs. Tami Richardson-Nelson have asked for the board to consider having a meeting at the Omaha Association for the Deaf (OAD) Hall.

M. Adjourn

Mr. Robert Feit moved to adjourn the meeting at 1:22 p.m. Ms. Peggy Williams seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beaurivage, Ms. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Ms. Shaw, and Ms. Williams all voting aye.

Next Meeting Dates

- December 9, 2022: 4600 Valley Rd, Room 4A, Lincoln NE