

Nebraska Sign Language Interpreter Review Board Meeting

October 23, 2020; 1:00 pm – 3:00 pm

241 Victory Lane, Lincoln, NE

A. Welcome

The meeting of the Nebraska Interpreter Review Board (IRB) was called to order at 1:00 pm by Ms. Peggy Williams, Chairperson at Fireman's Hall, 241 Victory Lane, Lincoln, NE.

B. Notice of Open Meeting

Chairperson, Ms. Peggy Williams announced 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. The agenda has been kept current and available at the Commission's office and on their website. The materials generally used by the board for this meeting are on the table in a public folder that is available to the general public for this meeting in accordance with the Open Meetings Act, {Neb. Rev. Stat. 84-1412 (8)}.

Publication of official notice of the meeting appeared in the October 16, 2020 edition of the Omaha World Herald, a legal newspaper of general circulation in this state, as required by the Open Meetings Act.

C. Roll Call

For the record, Board Members Ms. Peggy Williams, Mr. Thomas Beyer, Ms. Vonda Apking, Mr. John Wyvill, Executive Director, Ms. Jessica Nickels, Ms. Nancy Flearl and Mrs. Tami Richardson-Nelson, were present. Mr. Richard McCowin was absent.

Also present were Ms. Sharon Sinkler, Interpreter Program Coordinator and Ms. Traci Johns, Staff Assistant II.

Interpreters for the meeting were Ms. Sharon Sinkler and Ms. Amber Tucker and Margaret Heaney of ERI was present to provide CART services.

D. Review of Agenda

Before Mr. Wyvill reviewed the agenda he addressed general housekeeping items as the location was new to the IRB and also to note the changes due to COVID-19. He pointed out that wipes and hand sanitizer were available and that everyone was seated at a safe or minimum six feet distance from each other. He also encouraged anyone not feeling safe to speak up so that their concern can be addressed. Mr. Wyvill also pointed out that Traci Johns, a new staff assistant, was here for the meeting. Mr. Wyvill then read the agenda.

E. Acceptance of Agenda

Board Member, Ms. Vonda Apking moved to accept the agenda as written. Board Member, Ms. Nancy Flearl seconded the motion. Mrs. Tami Richardson-Nelson reminded the board that she had recommended that the member's first and last name be listed on the agenda in the roll call section. With no further discussion, the motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin

was absent.

F. Acceptance of Minutes

Ms. Nancy Flearl made a motion to approve the June 5, 2020 meeting minutes. Board Member, Ms. Nickels seconded the motion. With no further discussion, the motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin was absent.

G. Chairperson of the Board's Report

Executive Committee Meeting Summary update

Ms. Williams spoke about the IRB Executive Committee meeting that was held on August 28th via Zoom. Discussed at the meeting were possibilities for presenters to provide mentor training in relation to the apprentice license. She reminded the board that the Rules and Regulations task force had been assigned to create the language for this license and once it is complete the IRB will make its approval and forward to the full board and then it will be placed into the Rules and Regulations. Ms. Williams relayed that Mr. Beyer also explained during the executive meeting that he had spoken with Robyn Dean and Amanda Smith from the Interpreting Institute for Reflection-in-Action about a six-hour virtual workshop on ethics of interpreting. Mr. Beyer explained to the IRB that it is a longer term process and not really training but more of a professional dialogue that helps the participant engage in better ethical behavior. He also explained if someone violates an ethical standard and we determine that someone needs to do something this training may be an option. It also is an opportunity to train mentors and up the professionalism of interpreters and not just earn CEUs on an ethical basis. Ms. Richardson-Nelson asked that acronyms (e.g. CEUs – Continuing Education Units) be spelled out the first time so everyone is aware of their meaning. She also asked if organizations other than neRID and NeAD had input in the apprentice license information given to the task force. Ms. Williams asked if Mr. Wyvill could address the question. Mr. Wyvill talked about the informal rule making process that the board has embraced where a consensus from the community is obtained before entering into the formal rule making process. Community input was heard at an open board meeting, which prompted the board to ask the IRB to resurrect the task force and that they specifically wanted feedback from neRID and NeAD to be sure that there is representation from the interpreters and the deaf consumer public. Mr. Wyvill further explained that because the task force is a public body and has public notice, anyone is welcome to express their interest and participate. In addition, a diverse group of people was also included to participate in the drafting of a proposed rule for the people to consider.

Election of the IRB Officers

Ms. Vonda Apking motioned to keep the slate the same (Ms. Williams as board chair and Mr. Beyer as vice-chair) and Ms. Richardson-Nelson seconded the motion. Mr. Beyer commented that his term is ending in June of 2021 and that he will not be reapplying and will not be a member of the board in July. Ms. Williams stated that the IRB Board had the options of either asking Mr. Beyer to stay on as vice-chair until he leaves the board and then vote a new one in at that time or they could vote on a new one now. Mr. Beyer nominated Ms. Richardson-Nelson for board chair and she declined. Ms. Flearl nominated Ms. Richardson-Nelson for vice-chair. She declined. Ms. Richardson-Nelson seconded the motion on the table of keeping Ms. Peggy Williams as chair and Mr. Thomas Beyer as vice-chair. The Board voted on the motion and the

motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin was absent.

H. Public Comments

None.

I. Executive Director Report – presented by Mr. John Wyvill

a. Agency update/Legislative updates

- Mr. Wyvill shared that there have been many personnel changes at the agency. Traci Johns is a new staff assistant in the Lincoln office and Susan Whitaker is now heading up the Scottsbluff office. Susan is a sign language instructor at the community college and has already held a very highly publicized event at the zoo. Cody McEvoy has been promoted to replace Carly Weyers as the behavioral health coordinator. Ashley Wulf was hired to be an advocacy specialist in the Omaha Office. She is a graduate of Gallaudet University and has a degree in social work. There will be a new advocacy specialist starting in Lincoln on November 9th. This was made possible by reorganization and realignment of positions. Traci Cooney has taken a job at the Department of Corrections and we have also eliminated one of our administrative assistants so now we have just one-and-a-half administrative assistants as well as a business manager. These changes allowed us to hire an additional advocacy specialist.
- The LEAD-K and the sign language bill passed. Not only was it one of the very few bills that was selected to run, but we also were fortunate to have a bill signing ceremony with the governor, two sponsors and NeAD, specifically Jonathan Scherling and Lindsay Darnall Jr. Additionally, the board has asked us to embark on a strategic planning process which the IRB will be asked to be a part of as individual members. This planning process will kick off with a virtual town hall meeting for the entire community on November 4th. There will be several stages to the process. There will be surveys in English and ASL that will be launched in January and February for all stakeholders and the comments will be presented to the full board in its March meeting. After that meeting, we will have a series of open forums throughout the state between March and the June meeting. The purpose of the strategic planning process is to review our mission, vision, goals and objectives and have an opportunity for people to provide input.
- Mr. Wyvill also mentioned that the agency is working with a number of different stakeholders to address long-term systemic issues in addition to the strategic planning. There is concern with the COVID-19 environment, specifically in the Omaha area, and the lack of effective communication access for deaf people that need ASL. In addition, the agency is also working on the issue of interaction with law enforcement and first responders that wear masks in the COVID-19 environment and how we

can improve communication as 50% of those injured by law enforcement in interactions with police happen to have disabilities. Even with the COVID-19 environment, the agency had a very successful Omaha Zoo event.

b. Complaint Update

- The full board at its last meeting recognized complaint 2520 and 2521 and affirmed the IRB recommendation of the two-year licensure suspension based on the information the IRB provided. This licensure decision has been posted on our website and also circulated between VRI providers and licensed interpreters per our custom and policy. The full board called a special meeting in October to review and discuss the reinstatement of a VRI license that had lapsed and expired as the full board is the only authority that can issue a license after the 30-day window. The board did reinstate the license for CulturaLink. Mr. Wyvill also updated the board regarding a VRI provider licensure complaint that will come before the IRB at its next meeting in December. Sharon Sinkler and John Wyvill will be recusing themselves from participating in the investigation and Judy Janssen will be the investigator and will be presenting any findings to the IRB. Mr. Beyer asked about whether the punitive decision of complaint 2520 and 2521 had gone through the Attorney General. Mr. Wyvill explained that the person that had received the complaint was served through certified mail, they signed for it but did not respond to contest it or indicate that they wanted a hearing. The Attorney General recommended that we forward the complaint with the documentation showing that the person that was served had an opportunity to respond and chose not to. Based on that the board took the action by accepting the recommendation of the IRB as the interpreter did not respond.

c. Rules and Regulations Update

- Mr. Wyvill indicated that Sharon Sinkler will step out of her role as an interpreter to present an update to the board and that this was an opportunity to discuss and give feedback about the apprentice license as that information could be taken back to the Rules and Regulations task force in the next few weeks. Ms. Sinkler indicated that the Rules and Regulation task force met twice to discuss the language to add regarding the apprentice license to support the interpreters that are graduating from interpreter training programs but are not ready to get certification to become licensed. The apprentice license would give them an avenue to practice their skills, gain work experience and to work with a mentor if they choose to. Ms. Sinkler explained that current Rules and Regulations doesn't allow for them to practice because they don't have a certification. In addition, they don't want to spend money to try and get a national certification when they are not ready. They also have the opportunity to work with video relay programs which offer an environment with different language models and sign languages and also offer a lot of peer support. Mr. Beyer asked if there was any

representation from the VRS on the task force and if interpreting agencies and VRS companies offer mentorship programs. Ms. Sinkler indicated that the interpreting agencies that she has reached out to do not have a formal mentoring program and that Sorenson has a really good mentoring program but is not able to hire these people because of the licensure law. Z Video Relay Service has a lot of peer support, but Ms. Sinkler was unsure about a formal program. Ms. Sinkler also clarified that the task force is trying to make the language consistent throughout the document in regards to fees for the different licenses and that the apprentice license is a three-year, non-renewable license. Ms. Richardson-Nelson commented that the term 'lower-risk' in the draft should have more definition for clarity. Ms. Sinkler mentioned that there has been discussion around that issue on the task force and the plan is to reconvene and to define that further once the apprentice license is approved. The task force plans to create a technical assistance document to help guide the apprentice license holders. Ms. Richardson-Nelson asked if they would always be working with a mentor and Ms. Sinkler clarified that they would only be working with a mentor in situations that were not low-risk and that if there was a complaint filed against them that they would be treated just like any other licensed interpreter. Mr. Beyer asked if VRS would be low-risk. Ms. Richardson-Nelson commented that she felt she would support a license for VRS as the program would offer a more controlled environment for learning and growing but that if they left that environment the VRS company may be able to notify the Commission. Mr. Wyvill indicated that a majority of the apprenticeship license holders would not be working for a structured program. Mr. Wyvill also commented that 'low-risk' is legally recognizable as a low danger and consequences situation. Ms. Sinkler indicated that graduating interpreters have had extensive training in ethics and she believes that they will abide by what the Rules and Regulations say. Ms. Williams asked whether Dr. Delkamiller will be working with VRS programs to get graduates into educational work settings. Ms. Sinkler indicated that graduates will be on their own but as part of the process of obtaining an apprentice license that interpreting program chairs will need to vouch for the graduate. Mr. Beyer commented that we need to make sure that the deaf community has input in the creation of the license programs and this would be a good time to thoroughly examine the language to ensure the program has long-term viability as interpreting training programs could rubber-stamp graduates and that the deaf community is who will bear the brunt of that. Ms. Sinkler indicated that there are members of the deaf community on the task force and that so far they have been very supportive of it as it is an opportunity to grow the number of interpreters. Mr. Beyer asked if licensees should be channeled towards Sorenson and Ms. Sinkler commented that she believes it will happen organically because their program is so good. Mr. Beyer indicated it may be worth considering

how to ensure this as not all graduates will have the same information and situation. Ms. Williams asked about whether VRS companies will be assessing apprentice licensees before hiring them and if they could have representation at the task force meetings. Ms. Sinkler said she is not able to answer whether they will be assessing the apprentices and that she would be happy to invite the managers from Z Video Relay Service and Sorenson. She also indicated that along with the training from VRS programs the Commission wants to provide workshops on teaching people how to be mentors in order to grow the number of mentors in the community. Ms. Williams asked what it would look like if the apprentice wants to work in a classroom setting. Ms. Sinkler indicated that they are not required to be licensed when working in K-12 educational environments but that they need to meet Rule 51 standards and some interpreters are raising their EIPA levels by participating in virtual mentoring programs that are available for educational interpreters. Ms. Richardson-Nelson commented that VRS companies can be a tough environment and may not be a good environment for every interpreter. She also indicated it would be nice if we could make a recommendation to have an independent evaluation with somebody who is a qualified evaluator and using qualified evaluation tools to give us a picture of the skill level and then use this information to determine who could be accepted or not for the apprentice license. Ms. Sinkler said that UNO has on loan the Commission's old QAST materials and it may help students there to develop their skills and help UNO evaluate their skills. She knew of no other independent evaluator. Mr. Wyvill indicated that it may be a role for neRID or other entities if they wanted to do that as the Commission is the regulator and shouldn't be part of judging and feedback. Ms. Williams asked Ms. Sinkler to explain the Commission's role in the mentoring process. Ms. Sinkler explained that the Commission will not be mentoring but offering training for people and entities who want to learn to mentor. The only other involvement will be when someone applies for an apprentice license. Ms. Richardson-Nelson indicated that she would like some kind of relationship between the licensee and the Commission, perhaps an annual follow-up process to keep track of their effectiveness. Mr. Wyvill indicated that suggestion would probably be a good discussion for the authors of the technical assistance guide on whether to include it in their comments. Ms. Sinkler and Ms. Williams indicated that there was discussion regarding CEU requirements at the task force meetings but that was also something that would need to be addressed in the technical assistance document. Ms. Richardson-Nelson commented that getting feedback from the consumers who have used a licensee's services would allow the Commission to have an idea of how they are doing and could ensure that equal access to communication is happening. It would also allow the Commission to step in and offer support and redirection if there is a lot of negative impact on consumers. Ms. Sinkler indicated that both she and

Ms. Williams will take the suggestions back to the task force for discussion.

J. Public Comment

No public comments.

K. Old Business

Nothing to report.

L. New Business

- **Set December 2020 meeting date and location**

The next IRB meeting will be on December 9, 2020 starting at 1pm. More details will be provided to the members at a later date as to whether the meeting will be held in Lincoln or Omaha based on the availability of a COVID-19 appropriate room.

M. Announcements

Mr. Beyer asked that Mr. Wyvill's name be added back onto the Motion sheet and that a column for 'Absent' be added.

N. Adjourn (Ms. Williams)

Ms. Richardson-Nelson made the motion to adjourn the meeting at 2:15 pm. Ms. Flearl seconded the motion. With no further discussion, the motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin was absent.