

Approved at the March 11, 2022 meeting

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
Country Inn & Suites, 5353 N 27th ST, Lincoln, NE**

December 10th, 2021, Meeting Minutes

A. Opening

Chairperson Candice Arteaga started the meeting of the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) full commission board meeting on December 10th, 2021, 8:33 am at the Country Inn & Suites, 5353 N. 27th Street, Lincoln, 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 November 26, 2021, 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 the 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 Mr. Jonathan Scherling, Ms. Valerie Hitz, Dr. Josh Sevier, Ms. Sandra Shaw, Mr. Robert Feit, Ms. Frances Beurivage, Ms. Diane Schutt, Ms. Peggy Williams, and Ms. Candice Arteaga, were all present for roll call. NCDHH Staff members present were Mr. John Wyvill, Executive Director; Jessica Larrison, Education Advocate; and Sharon Sinkler, Interpreter Program Coordinator. Sign Language Interpreters present were Mr. Ben Sparks and Ms. Amber Tucker. 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

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

F. Acceptance of Minutes

Mr. Bob Feit moved to accept November 19th, 2021, minutes. Dr. Josh Sevier seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier, Ms. Shaw, and Ms. Williams all voting aye.

G. Chairperson of the Board Report

Chairperson Candace Arteaga shared with the Board that this will be Dr. Sevier's last board meeting as he will be moving out of state. Ms. Arteaga and Mr. Scherling thanked him for his time on the board and for his impactful ideas and concepts.

1. Public Comments

No Public Comments

2. Lindy Foley, Director, Nebraska Vocational Rehabilitation Presentation

Ms. Foley shared that the mission of Nebraska VR is to help people with disabilities find and keep employment. There is also a focus on businesses and working with them to meet their hiring needs. She shared that with the low unemployment rate that it is a great time for businesses to understand the importance of diversifying their workforce.

When someone requests services they are placed in one of three categories based on their level of need. At this point they have no one waiting for services in priority group one and priority group two and there are less than 400 people in priority group three waiting for services.

Ms. Foley shared that even with COVID, they served 300 individuals who were deaf or hard of hearing last year. Also, Nebraska VR has received an \$8.4 million grant that will be used to help people advance within their career. In addition to working with adults, Nebraska VR is also providing services to students. Nebraska VR is requesting and choosing summer program projects that will help prepare students for the world of work right now.

There were questions and discussion regarding an open position in Omaha previously held by Jessica Nickels.

3. Amy Rhone, Director of the Office of Special Education at Nebraska Department of Education

Ms. Rhone shared that their office is the state educational agency that oversees birth to 21 provisions of early intervention and special education. Starting as early as birth someone can be eligible for services and as they age programs are available for every age group. Ms. Rhone shared that they also oversee all of the regional deaf and hard of hearing programs and the federal deafblind grant. They are also the overseers of the access book share programs, which includes any assistive technology, any curriculum or material adaptation, and CART or FM systems that are in school. They oversee not only the accessibility but the compliance around some of those issues.

Ms. Rhone shared that with Teresa Coontz retiring, the low incidence and autism groups will be split into two different positions. For the last four years they have been committed to establishing a stronger relationship with the low-incidence world, particularly with NCDHH. They worked in partnership on the LEAD-K advisory committee.

In the last two years the office has focused on dispute resolution, which often leads to opportunities for growth within both families and school districts and/or providers. She shared that many state complaints do not end up with large-scale corrective action. Rather they end up with training opportunities for districts. Also they have had multiple opportunities, especially this last year, with helping educational interpreters and school districts with understanding and protecting educational interpreters, specifically from situations where an in-the-school-building interpreter is being asked to cross over to a community interpreter. They are working to ensure that families and parents understand what they can help with and that they are there to advocate.

Recently they received three federal grants that focus on retention efforts for special education personnel. Also, as part of the deafblind grant, they have amended the focus and have added a section on retaining personnel.

One important effort happening is the educational interpreter mentoring program to help bring people into educational interpreting rather than pull from other places. They have also partnered with marketing and specialty businesses to help promote becoming a special educator of any sort.

They are also working to change Rule 21 legislation to hopefully attract people who might have some educational experience and are willing to try a different opportunity. The office can provide funding for those college experiences or funding for dual certifications.

4. Strategic Plan Review – Serenity Kinney

The goals and corresponding objectives were presented as the following:

Mission Statement

We advocate to create opportunities by raising awareness through collaboration.

Vision Statement

Access for all.

Goals and Objectives:

Goal #1: Empower through training and provide services to create awareness.

Objectives:

- Educate consumers on their legal rights under federal and state laws.
- Update consumers on available technology, equipment and telecommunication access options and services.
- Educate consumers on self-empowerment and self-advocacy.
- Advocate to assure equal access to quality education for Deaf, Deaf-Blind, and/or Hard of Hearing students.

Goal #2: Collaborate with stakeholders to implement and maintain programs.

Objectives:

- Provide access to quality, effective and accessible communication accommodations.
- Identify and resolve gaps in services. Promote awareness through the collection and distribution of information.

Goal #3: Promote awareness through the collection and distribution of information.

Objectives:

- Inform communities about programs and services operated by NCDHH.
- Enhance the website to better provide information through emerging technology.
- Research, gather and expand the dissemination of information through visual technology.
- Promote partnerships with other agencies to encourage website visits.

Goal #4: Ensure access to health care.

Objectives:

- Promote and/or provide healthcare/behavioral health care training to certified or licensed sign language interpreters in Nebraska.
- Educate staff of health care facilities to ensure communication access for all.
- Establish local support systems with mental health providers, domestic violence programs, and regional programs.

Goal #5: Ensure access to effective and quality interpreting.

Objectives:

- Oversee and enforce the licensing of deaf and sign language interpreters.
- Review alleged violations of rules and regulations governing sign language interpreters.
- Promote and/or provide interpreter training.

Goal #6: Education and promote awareness of Deaf culture.

Objectives:

- Enhance and develop events about Deaf culture.
- Collaborate with Deaf organizations to promote awareness of Deaf culture and history.

After some discussion, Mr. Bob Feit made a motion to accept the strategic plan as presented including the mission, vision, goals and objectives. Mr. Johnathan Scherling seconded the motion.

With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier, Ms. Shaw, and Ms. Williams all voting aye.

5. Legislative Agenda – 2022

Mr. Wyvill shared four components for the board's review.

- 1) The request of funds to be allocated for Deaf and Hard of Hearing through the American Rescue Fund. NCDHH has formally submitted the request to the appropriations committee for four funding areas:
 - a) Investing in broadband Internet in our state.
 - b) Creating a five-year program with the Public Service Commission to provide an app for all deaf individuals to access on their phones so they can interface with a sign language interpreter for non-ADA settings.
 - c) Enhancing the mentoring program for educational interpreters as well as for services and equipment for deaf and hard-of-hearing students.
 - d) Creation of a rural relief fund for in-person interpreter services. NCDHH would have funds in our agency to pay for the travel and cost for that interpreter. Also to be included is a communication access program for legal situations where an interpreter is provided for meetings with a lawyer outside of the courtroom.
- 2) Legislation requiring hospitals to have a communication plan of care in place. Mr. Wyvill has met with the chair of the Judiciary Committee and also the chair of the Health and Human Services Committee. NAD has a model hospital policy that we are encouraging the hospitals to adopt so that it will be easier to discuss issues than talking generally about ADA.
- 3) Legislation requiring captioning on video ads for candidates for state office. Mr. Wyvill is meeting with the Secretary of State and the legal counsel for the Governmental Affairs Committee. NCDHH will most likely need to find a sponsor on the Governmental Affairs Committee.
- 4) Legislation requiring public businesses to provide captioning on at least some of their TVs. Under consideration is pursuing this on a city basis as maybe Omaha City Council or Lincoln City Council would introduce a resolution or an ordinance that could address this issue.

6 Meeting Dates for 2022

- March 11, 2022

- June 10, 2022
- September 9, 2022 (North Platte, NE)
- December 9, 2022

Ms. Peggy Williams made a motion that the board accept the full board meeting dates for 2022 as written. Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beaurivage, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier, Ms. Shaw, and Ms. Williams all voting aye.

H. Executive Director Report (John Wyvill)

1. Budget Report

Mr. Wyvill gave context to the board report in the board packets and shared that NCDHH has 15 employees throughout the state with offices in Omaha, Lincoln, Kearney (home office), North Platte and Scottsbluff. It has been difficult with COVID, but even with that NCDHH has had over 5,768 individual contacts where we reached out to help. This included 704 one-to-one meetings. Also there were 117 presentations and 30 booths this year. Mr. Wyvill shared that NCDHH is under budget and explained that if the board wants to ask for an additional position then we will have to make sure funding is available and formally request that during the budget process.

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

Jessica Larrison, Education Advocate, gave an update on LEAD-K activities this year. Ms. Larrison shared that LEAD-K started last December and throughout the year the four subcommittees were scheduled to meet monthly. The Assessment Committee is in charge of creating the assessments and making sure we're hitting the milestones for language development for deaf and hard of hearing kids in the state of Nebraska. The assessments will be presented at the next full board meeting.

Our Qualifications and Training Committee are planning to propose that the assessment providers either take an ASLPI, SLPI or have an EIPA score of a 4.0 or higher to make sure they are fluent in ASL. They are going to make sure that's a prerequisite to hopefully eliminate the struggle of finding someone and going through all the tests during that hiring.

The Implementation Committee is going to help spread the word about LEAD-K through brochures and making sure there is a designated person at the Department of Education to share this information. Also planned is to include the information in weekly monthly webinars and newsletters that they already send out to people. For parents, the committee wants the audiologists to educate them, giving them a friendly brochure for families in multiple languages about what LEAD-K means and why it's important and give them the option to start these assessments.

The Reporting Committee is going to start meeting again in January. Anne Thomas took this group over and is going to start mocking up the report with Ms. Larrison and it will be completed by July.

The board discussed whether to find a replacement for a member of the Qualification and Training Committee that recently resigned. It was decided that the committee was close to wrapping up and not to replace the position.

3. Top Ten Report

Mr. Wyvill explained that the top ten report is in the board packet for their review.

4. Marketing Report

The top reaching posts have been:

- Students speak to the Lincoln school board - 20,000+ reaches.
- Jessica Larrison's Excellence in Education Award - 1,700 reaches.
- Certified Deaf Interpreter Workshop that was put on by Cody McEvoy - 1,700 reaches
- Omaha Children's Museum - 1,200 reaches
- Happy Deaf Awareness Month - 1,300 reaches

NCDHH is reaching out through a number of blogs and outlets and is working with Ms. Hitz to put on an event in Lincoln for the zoo.

Dr. Josh Sevier made a motion that the board accept the Executive Director report. Ms. Peggy Williams seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier, Ms. Shaw, and Ms. Williams all voting aye.

I. Public Comments

Carla Engstrom commented that she is concerned about the recent action the board has decided to take to stop publishing independent interpreters' phone numbers or e-mails and only offer referral agency contact information beginning January 1, 2022. She commented that this action is a restraint of trade as with this decision, deaf and hard-of-hearing Nebraskans using the NCDHH list will only be able to contact big businesses and not the local interpreters who have been serving them for more than 35 years. She commented that there is no state statute or applicable regulation that requires independent interpreters to work for an agency and there is no NCDHH policy that mandates independent interpreters register with an agency. Ms. Engstrom also commented that she doesn't understand why both agencies and independent interpreters can't be listed.

Ms. Candice Arteaga commented that businesses have called NCDHH complaining about not being able to find interpreters and she also commented that when they work with agencies that they are able to get interpreters more quickly. Ms. Vali Hitz commented regarding the reliability of agencies being

better as they generally do not cancel at the last moment and that it is more common with freelance interpreters.

Nancy Brt, a sign language interpreter independent contractor, commented that there are a limited number of interpreters and that it must cost more for businesses to use agencies as agencies are willing to pay independent interpreters their usual rate of pay. She commented that overall it is going to raise the cost of interpreting and it feels like a kick in the face because for 35 years independent interpreters have been out working hard and going up against a lot of barriers. Ms. Brt also commented that the biggest problem is a lack of interpreters and that NCDHH should be focusing on getting young people interested in becoming interpreters through grants and training.

Ms. Hitz commented that the intent was definitely not to insult interpreters, but to make it easier for the deaf and hard of hearing community to have interpreters available.

J. Old Business

Nothing to discuss.

K. New Business

Sharon Sinkler, Interpreter Coordinator, gave an update that the Interpreter issues Committee met November 30th. They discussed three items:

- 1) Creation of a standard operating procedure to dismiss informal complaints that we receive that have no merit. This SOP is in the board binder.
- 2) Creation of an internal policy in order for someone to be listed as an interpreter referral agency on the NCDHH website. This would include an attestation to the fact that the company is registered with the Secretary of State's office, follow some sort of ethical model and have a mechanism to be contacted 24/7.
- 3) Creation of a standard operating procedure to report interpreter discipline action that we take to other license entities and other states where the interpreter holds a license and also to the Registry of Interpreters for the Deaf. The Committee recommended that we not go forward with that suggestion from the IRB.

There was further discussion regarding different ways to list freelance interpreter contact information on the NCDHH website and the pros and cons of removing the contact information. Ms. Sinkler commented that she enjoyed working for agencies when she was a community interpreter and that others have shared that with her also. She also reported that when interpreters move to Nebraska they ask about where the agencies are. Several people commented that listing both freelance interpreters and agencies has not been working and the ultimate goal is to improve access to interpreters for the Deaf and Hard of Hearing community and that increasing the use of agencies will help to do that. In addition, Ms. Arteaga shared that NCDHH has also received letters of support for the new policy from deaf-led organizations here in Nebraska. It was decided to proceed with the change of removing interpreter contact information, even though the change will be difficult for some.

Ms. Frances Beurivage made a motion that the board accept the Interpreter Issues Committee report as submitted. Mr. Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier, Ms. Shaw, and Ms. Williams all voting aye.

L. Adjourn

Ms. Peggy Williams moved to adjourn at 12:33 a.m. Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier, Ms. Shaw, and Ms. Williams all voting aye.

Next Meeting Dates

- March 11, 2022
- June 10, 2022
- September 9, 2022 (North Platte, NE)
- December 9, 2022