

Approved March 12, 2021

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
via Zoom**

December 11, 2020 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 11, 2020, 8:30 am via Zoom.

B. Notice of Open Meeting

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 December 4, 2020, edition of the Omaha World Herald, a legal newspaper of general circulation in this state, as required by the Open Meetings Act. Governor Pete Ricketts' Executive Order No. 20-36, Corona Virus – Public Meetings Requirement Limited Waiver, dated November 25, 2020, waives certain requirements of the Nebraska Open Meetings Act. To wit, all governing bodies may meet by videoconference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media. This waiver shall apply to all public governing body meetings that occur from December 1, 2020, through January 31, 2021. Due to the Governor's Executive Order, this meeting is now being held virtually through Zoom. The agenda was kept current in the office of the Nebraska Commission for the Deaf and Hard of Hearing and on their website.

The materials generally used by the Board for this meeting today are located on the Commission's website and are available to the general public for the purpose of this meeting in accordance with the Open Meetings Act {Neb. Rev. Stat. §84-1412 (8)} and Executive Order No. 20-36.

C. Roll Call

For the record, Board Members Ms. Candice Arteaga, Ms. Frances Beurivage, Dr. Stacie Ray, Mr. Jonathan Scherling, Ms. Sandra Shaw, Mr. Robert Feit, Mr. Jeremy Fitzpatrick and Mr. Norman Weverka all present. Ms. Diane Schutt was absent for roll call. NCDHH Staff members present are Mr. John Wyvill, Executive Director; Ms. Stephanie DeGroot, Business Manager; Ms. Sharon Sinkler, Interpreter Program Coordinator; Jessica Larrison, Education Advocate; Susan Whitaker, Abby Giambattista and Ashley Wulf, Advocacy Specialists; Kelsey Cruz, Public Information Officer and Zoom moderator; and Traci Johns, Staff Assistant. Sign Language Interpreters present were Mr. Ben Sparks and Ms. Amber Tucker. Ms. Margaret "Mydge" Heaney with Exclusive Reporting Inc. providing CART services.

D. Review of Agenda

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

E. Acceptance of Agenda

Board Member Dr. Stacie Ray moved to accept the agenda as written. Board Member Robert Feit seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beaurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick and Mr. Weverka all voting aye. Ms. Schutt was absent.

F. Acceptance of Minutes

Board Member Robert Feit moved to accept the minutes for the October 7, 2020, board meeting as written. Board Member Norman Weverka seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beaurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick and Mr. Weverka all voting aye. Ms. Schutt was absent.

G. Chairperson of the Board Report

Board Chair Candace Arteaga noted that there will be three board members leaving in January; Mr. Norman Weverka, Mr. Jeremy Fitzpatrick, and Dr. Stacie Ray. She thanked them for their hard work and the three board members received a plaque for their service on the board.

1. Public Comments

None

2. Proposed Full Board Meeting Dates for 2021

Mr. John Wyvill discussed that the upcoming 2021 meetings will be in Lincoln and location will be based on availability and COVID-19. The proposed out of town meeting will most likely be in Kearney as long as COVID is not an issue at that time. Board Member Jonathan Scherling moved to accept the proposed Full Board Meeting Dates for 2021 of March 12, June 11, September 10 (proposed out-of-town meeting) and December 10. Board Member Sandra Shaw seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beaurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick and Mr. Weverka all voting aye. Ms. Schutt was absent.

3. Language Equality and Acquisition for Deaf Kids (LEAD-K) Update and Advisory Committee Appointments

Mr. Wyvill gave an update on LEAD-K. He discussed that since LB965 passed and became law that the board is required to appoint a LEAD-K advisory committee, working in consultation with the Nebraska Department of Education and NeAD. The first meeting of the LEAD-K advisory committee needs to be held in 2020 and has been scheduled for Wednesday, December 16 from 10 a.m. to 2 p.m. The intent and purpose of that meeting is organizational. Applicants have been made aware of the meeting and are expected to attend. At the meeting, there will be an election of the chair and vice-chair and subcommittee will be setup. The full committee will meet four times during the course of the year with the subcommittee meeting more often.

There has been concern that day time meetings may not be accessible to everyone so NCDHH staff Jessica Larrison and Cody McEvoy, who will be working with the committee in that first meeting to set meeting dates, are to make sure that dates and times are convenient for the majority of the members and they have the flexibility to set the meetings at any time, including nights and weekends.

The application process encouraged everyone to apply. We received a number of applications up through December 1, and we also had some come in afterwards, and we are presenting all the applications to you. We have 24 applications and 14 positions.

Board Member Robert Feit made a motion to go into closed session at 8:56 a.m. for discussion of LEAD-K applicants. Board Member Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick and Mr. Weverka all voting aye. Ms. Schutt was absent.

Kelsey Cruz, Zoom moderator, listed who she will invite to the closed session discussion room: Board Members Ms. Candice Arteaga, Ms. Frances Beurivage, Dr. Stacie Ray, Mr. Jonathan Scherling, Ms. Sandra Shaw, Mr. Robert Feit, Mr. Jeremy Fitzpatrick and Mr. Norman Weverka; NCDHH staff John Wyvill, Director, and Jessica Larrison, Education Advocate; Interpreters Ben Sparks and Amber Tucker; and Margaret “Mydge” Heaney for CART services.

The Board went into closed session at 8:58 a.m.

The Board came back to open session at 9:48 a.m.

Ms. Diane Schutt joined the meeting in closed session. She was delayed due to technical difficulties.

Board Member Robert Feit moved to appoint the following applicants to the LEAD-K Committee: Jessica Anthony, Mike Brummer, Amy Bunnell, Cindy Koch, Amanda Mitchell, Margie Propp, Jonathan Scherling, Debra Smith, Anne Thomas, Amy Tyler-Krings, Jonathan Arteaga, Todd Luther, Susan Petersen, and Vicki Steinhauer-Campbell. Board Member Norman Weverka seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick, Ms. Schutt and Mr. Weverka all voting aye.

4. Interpreter Apprentice License Proposal/Rules and Regulations Task Force Report

Mr. John Wyvill asked Ms. Sharon Sinkler, Interpreter Program Coordinator, to give an update on the Apprentice License and the task force report. Ms. Sinkler recognized the rules and regulations task force for their work on the proposal. The Apprentice License is a one-time, three-year license designed to meet the perceived gap that graduates of interpreting training programs have at graduation as they are just not quite ready to take the national certification test and need to practice their skills before doing so. The rules and regulations will not specify

fees at a specific amount but will indicate 'appropriate' fees. The application paperwork will state the fee, which the task force has set at \$50.

Mr. Wyvill explained that if the board accepts the license proposal that the next step is moving forward with the formal rule making process with the Administrative Procedures Act. The staff would then incorporate the new license proposal with the task force's proposed regulations that were drafted in 2019 and then move forward with rule making with the hope that the formal rules would then come back to the full board either in March or June. The board would then vote on the finalized document.

Board Member Norman Weverka moved to accept adding the Interpreter Apprentice License proposal as written to the 2019 rules and regulations. Board Member Robert Feit seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick, Ms. Schutt and Mr. Weverka all voting aye.

5. Legislative Update

Mr. Wyvill shared that the only pending item that we have for the January legislative session is the agency budget. Typically there is a hearing in February or March for the budget. There will be hearings for the three new appointments and one reappointment to the board when they come up for Senate confirmation.

Mr. Wyvill reported that there has been a request for legislation support from Senator Blood who has contacted our office and asked for staff and board support of legislation which is known as the Autism Bill. Similar to other legislation in other states, people would have the option to designate if they are deaf or hard of hearing on their driver's license so that the individual police officer who is pulling the person over knows that there is a potential communication challenge. The Commission recommends that the board support that bill by providing one of our advocacy specialists to testify in the meeting.

Mr. Wyvill explained the process of reviewing legislation for the newer board members. No formal position on a bill is taken unless the Executive Committee or the Legislative Committee gives direction. With the previous board chair, if there is an issue of paramount concern that might be of interest to all the board, then we communicate with all the board to let them know that we are taking a position on a bill. The Commission will be reviewing the 1,000 plus bills that will get filed.

Typically a request to support legislation is ran by the Executive Committee, but we have a do-no-harm rule. If they're asking us for our support and it doesn't do any harm to us or our interests, then we usually support them because it's about building allies, relationships, and working with our stakeholders.

The board had questions and discussion regarding Senator Blood's proposed Autism bill and it was agreed that Mr. Wyvill would support and pursue finding out more about the legislation specifics to address any concerns with wording.

6. Informal Licensure Complaint 2522

Mr. Wyvill reported that Ms. Sinkler and Mr. Wyvill have abstained and recused themselves from participating in the license complaint 2522 because they are witnesses and will also not be participating in the closed session to discuss this matter. Judy Janssen is the outside contract investigator that will be joining the board in the closed session.

Board Member Norman Weverka made a motion to go into closed session for discussion of informal licensure complaint 2522. Board Member Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick, Ms. Schutt and Mr. Weverka all voting aye.

Kelsey Cruz, Zoom moderator, listed who she will invite to the closed session discussion room: Board Members Ms. Candice Arteaga, Ms. Frances Beurivage, Dr. Stacie Ray, Mr. Jonathan Scherling, Ms. Sandra Shaw, Mr. Robert Feit, Mr. Jeremy Fitzpatrick, Ms. Diane Schutt and Mr. Norman Weverka; Judy Jansen, Investigator, Interpreters Ben Sparks and Amber Tucker; and Margaret "Mydge" Heaney for CART services. Ms. Arteaga noted that the list was correct.

The Board went into closed session at 10:31 a.m.

The Board came back to open session at 10:54 a.m.

Mr. Robert Feit made a motion to accept the recommendations of the IRB to document and retain in the VRI business' file informal complaint case 2522 and to take no further action against the business. Board Member Jeremy Fitzpatrick seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick, Ms. Schutt and Mr. Weverka all voting aye.

H. Executive Director Report (John Wyvill)

Mr. Wyvill asked three new Advocacy Specialists to introduce themselves: Ashley Wulf, Susan Whitaker and Abby Giambattista. Ms. Wulf works in the Omaha office, Ms. Giambattista is in the Lincoln office and Ms. Whitaker is in the Scottsbluff office.

1. Update on Strategic Planning Process

The first step will be a written survey that will be in two language modes, an ASL version and an English version. This will take place in January and February. Realizing and understanding that not everybody in the broader Deaf and Hard of Hearing Community will be wanting to submit a

written survey, there will also be an opportunity to submit a Vlog. The Commission will compile all of that information and present that to the full board at its meeting in March. Then in April and May, assuming that COVID is better, there will be town hall meetings where people can provide comments and feedback in person about our plan, mission, vision, objectives, and what we should be working on, and what areas we need to be looking at. We will then compile all of that information and share that with all of you at the June meeting. After the June meeting, we will be dedicating our time in the summer with the board and the team working together based on that feedback to evaluate the mission, the vision, and the objectives of the Commission.

2. Budget Report and Update

For our general budget, we are 6% under budget. For the salary budget, we are under budget by 7.4%. With the present level of spending we are \$71,153.30 under budget. The reasons for being under budget is COVID and frugal spending. Now that the Commission is fully staffed again the number for the salary will become more in line with the budgeted amount. The Commission has also requested reimbursement from the federal government for COVID related expenses that we had made so we may get some expenditures back.

3. Bi-weekly Reports/Advocacy Specialist's Top Ten Report

After reviewing a report from Disability Rights Nebraska regarding how the State's pandemic response has left behind people with disabilities, the Commission is drafting communication to share with the Executive Committee and to send to stakeholders about what the state has been doing well in serving people with disabilities and what areas need to be improved. One thing that the state has been doing well is that the Mayors of Omaha, Lincoln and the Governor have been providing ASL interpretation of their press conferences. However, other areas are lacking such as masks, medical care, employment, education and courtroom access. In this COVID environment specifically, we've been looking at medical care which has not been optimal. We are working with Nebraska Medicine to try to improve communication access in a medical setting. We also have been in contact with Disability Rights Nebraska, Legal Aid of Nebraska and also the ACLU in terms of the communication access and we're working on a multi-faceted response about what ways we can improve communication access in this COVID environment.

Mr. Wyvill shared that Kim Davis, Lincoln Advocacy Specialist, did an absolutely fantastic job in an ASL class that she tried online. It was very well received with over 50 people participating. Ms. Davis is planning to hold more classes.

NCDHH had a Zoom team building workshop for a day in November that was well received in terms of staff team building. With the current COVID environment, the Commission is trying to find creative and innovative ways to stay connected. The team also usually meets every Monday morning to review the week and talk about a few things and that meeting has been going over well.

Mr. Wyvill had another shout out for Kim Davis as she has been working with the Department

of Motor Vehicles on an ASL video created by the DMV that is being launched to help people who are taking tests with the DMV. They asked for feedback for the video, so there have been a number of people commenting on that.

Due to COVID, the Commission has limited staff in the offices. The Omaha office is being limited to one or two people, and in the Lincoln office usually has three or four people in the office out of the eight that normally work there. These limits will most likely be in place for the next couple of months. There are still plans and hopes that the baseball game and zoo activity will be held in 2021.

4. Marketing Report

The Commission is trying to be more creative with social media and the message focus is a combination of light and serious news in this COVID environment.

The deaf awareness graphic in September had over 10,000 reviews of the Facebook post. The LB965 bill signing had over 9,450 reviews and the Omaha Zoo flier had 6,000. We estimated over 150 people attended even in a COVID social distancing environment. A post about Brent Welsch being selected for Boss of the Month was well received with 2,900 reviews. Ashley Wulf had over 2,000 people liking her posts, and the Vlogs from the advocacy specialists have been well received.

We also have had some TV coverage. Susan Whitaker was featured in the regional news in Scottsbluff. John Wyvill was asked to speak at the governor's press conference about communication access, and Lincoln had a video of Kim Davis. Cody and Dillon were interviewed on TV as a reporter reached out as the reporter was upset that there was no interpreter provided for the national debate for president. That interview was also well received.

Mr. Norman Weverka made a motion to accept Mr. Wyvill's report. Dr. Stacie Ray seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick, Ms. Schutt and Mr. Weverka all voting aye.

I. Public Comments

None

J. Old Business

No old business to report

K. New Business

No new business to report

L. Adjourn

Mr. Norman Weverka made a motion to adjourn at 11:25 a.m. Board Member Robert Feit seconded

the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beaurivage, Dr. Ray, Mr. Scherling, Ms. Shaw, Mr. Feit, Mr. Fitzpatrick, Ms. Schutt and Mr. Weverka all voting aye.

Next meeting is:

- March 12, 2021, from 8:30 a.m. – 1:30 p.m.
Location: Lincoln, location TBD due to COVID-19