

*DRAFT – Subject to Board review and approval  
on the March 13, 2020 meeting date*

**Nebraska Commission for the Deaf and Hard of Hearing  
Full Commission Board Meeting  
4600 Valley Rd, Conference Room 1, Lincoln NE**

**December 13, 2019 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 December 13, 2019, at 8:31 a.m. at 4600 Valley Road, Conference Room 1 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 December 6, 2019 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 Ms. Candice Arteaga, Ms. Frances Beurivage, Dr. Marc Brennan, Mr. Jeremy Fitzpatrick, Ms. Diane Schutt, Ms. Sandra Shaw, Dr. Frank Turk and Mr. Norman Weverka all present. Dr. Stacie Ray is absent. NCDHH Staff members present are Mr. John Wyvill, Executive Director; Ms. Stephanie DeGroot, Business Manager and Ms. Sharon Sinkler, Interpreter Program Coordinator. Interpreters present were Mr. Ben Sparks and Ms. Lorelei Waldron. Ms. Margaret "Mydge" Heaney with Exclusive Reporting Inc. providing CART services.

**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 Ms. Diane Schutt moved to accept the agenda as written. Board

Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

**F. Acceptance of Minutes**

Chairperson Fitzpatrick asked for changes or corrections to the September 13, 2019 meeting minutes.

Board Member, Mr. Norman Weverka, moved to accept the minutes as written. Board Member Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

**G. Chairperson of the Board Report**

**1. Public Comments**

Chairperson Fitzpatrick invited those in attendance if they would like to come forward and share their thoughts with the members of the board.

- Ms. Ronda Rankin - Asked what the Interpreter Issues Committee is. Director Wyvill shared that the Interpreter Issues Committee consists of members of the board—currently consisting of Chairperson Fitzpatrick, Ms. Arteaga, and Ms. Beurivage.

Discussion on the difference between the Interpreter Issues Committee (IIC) and the Interpreter Review Board (IRB).

- Dr. Julie Delkamiller with University of Nebraska Omaha (UNO) – Discussed her research that she has done for all 50 states on the licensing of sign language interpreters. Dr. Delkamiller gave reference to the letter that all of the board members have received. Dr. Delkamiller is proposing that the board consider to have a provisional license. The provisional license requirements would be for a student that is just graduating from a bachelor’s degree program with interpreter training, interpreter preparation and also pass the written portion of the national certification. The interpreter would be licensed to work in limited settings. Noted that it takes two to three years of work experience before attempting national certification in the sign language interpreting field.

Discussion on what Dr. Delkamiller presented to the board members.

- Ms. Morgan Miller, senior in the Interpreter Training Program (ITP) at UNO – Ms. Miller shared with the board a recap of her schooling so

far, however once she graduates in the spring she will have no opportunity to become licensed in Nebraska. Asking that NCDHH consider implementing some sort of provisional license, or a way to bridge the gap.

- Mr. Jeffrey Conger, a student at UNO – Mr. Conger’s major is deaf education. The struggle is because they are not going to have a job when they graduate, this is why they are leaving for other states.

Chairperson Fitzpatrick introduced Mr. Dillon Curren, a great new employee with NCDHH based in the Omaha office.

- Ms. Molly Keefe, Freelance Community Interpreter – Ms. Keefe shared that she graduated from Iowa Western and then moved out of state to be able to work in the community. The state that she moved to, she was able to get a four year provisional license.
- Ms. Bethany Koubsky, Director of Sorensen Community Interpreting Services (SCIS) – Discussed the internship that SCIS has with ITP students, the program is called Synergy. The students are able to come in during their practicum semester and observe with licensed sign language interpreter.
- Ms. Ronda Rankin shared with the group comments from an interview with Richard Lorian, a leader in the interpreting profession regarding the two to three year gap.
- Ms. Andrea Wisniewski, senior in the ITP at UNO – Ms. Wisniewski shared that many have suggested that she go to IA to get her certification. She shared that if she can’t get a job, she will have to change her profession.

Dr. Frank Turk thanked Dr. Delkamiller for the letter that the board members have received. He noted having our state’s ten different deaf-related organizations work together would contribute towards solving this problem. Dr. Turk encouraged that there should be a way that we can all work together. There was a discussion on this.

Chairperson Fitzpatrick thanked all who came and shared with the members of the board. Adding that it is incredibly important that the public knows that they can come to the NCDHH Board to express their concerns.

Discussion between the board members on contacting some of the states

listed in the letter from Dr. Delkamiller. Director Wyvill added that he would be reaching out to Ms. Beurivage for some guidance due to her expertise in this matter.

Ms. Beurivage adds that she likes the idea of having a statewide initiative that we work with others to figure out a resolution to this issue, possibly a mentorship.

Dr. Turk thanked the students for coming, encouraging them to not limit themselves.

Board Member, Mr. Norman Weverka, made the motion that the IIC will review and find solutions in regards to the gap between an ITP students graduating and the national certification. Board Member Dr. Frank Turk seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

- Ms. Carol Manning, Licensed Deaf Interpreter - Shared with the members of the board the following items.
  - In 2020 she will be taking the Certified Deaf Interpreter (CDI) test, this is a written and performance test with Registry of Interpreters for the Deaf (RID).
  - Just founded Excel Connect, a business for the purpose of educational services. This company was founded by Ms. Manning and her husband. They are working with Nebraska Department of Education.
  - Concerns regarding Interpreter Agencies, Deaf Education, LEAD-K
  - Talked about the success of Mentoring Interpreters Across Nebraska (MIAN), this was a previous mentoring program in Nebraska for sign language interpreters.
  - Great Town Hall meeting with the State of Nebraska Medical Officer
  - Would like to see our community communicating, having common goals, not having this causes disconnect.

Board Member, Ms. Arteaga assured Ms. Manning that the interpreter referral agencies in Nebraska will not close. The various referral agencies have the support of NCDHH. Discussion between the board members on this topic.

Chairperson Fitzpatrick thanks Ms. Manning for expressing her concerns.

## **2. Chairperson's Report**

Chairperson Fitzpatrick shared that he and Director Wyvill had a meeting with a Kansas Agency. Kansas passed and have implemented LEAD-K. Their implementation of LEAD-K is expensive.

## **3. Distinguished Service Award Presentation**

Chairperson Fitzpatrick shared that we have two board members that will be leaving the board, starting with Dr. Marc Brennan. We have a plaque for Dr Brennan that is not ready yet, so it is our trick to bring you back. Chairperson Fitzpatrick added that Dr. Brennan has been an important part of the board, insightful and strong voice. Chairperson Fitzpatrick thanked Dr. Brennan for his time on the board.

The second person leaving us is Dr Frank Turk. Chairperson Fitzpatrick added that he couldn't possibly describe in a few short minutes all the contributions that Dr Turk has given to the board. Dr. Turk has an unmatched passion about the issues that we face. In order to recognize our thanks for your time that Dr Turk has served on the board we have a plaque that we will give you. NCDHH has decided to implement the Dr Frank Turk's Excellence in Education Award. This will be a yearly award that we will provide to an educator who has demonstrated their leadership in fostering teaching and excellence in the deaf and hard of hearing community. In addition to the award, Director Wyvill and Chairperson Fitzpatrick are working on a cash prize that will go with the award every year. This is our way of having Dr. Turk come back every year to present this award to the recipient.

Director Wyvill also shared with the audience for those that don't know that Dr. Turk is a prolific author, his most recent book "From Oaks to Acorns " is a must read. Director Wyvill added that we have a resident artist on staff that drew an example of an oak tree because Dr. Turk, you are the oak tree in Nebraska for our leadership, this is signed by the staff and members of the board. Adding that when you see the oak tree hanging in your office and all of the little acorns that you have helped along the way. Thank you very much, Dr. Turk.

Dr. Turk thanked the group for the award, adding that we always have been and will be family.

## **4. Education Outreach Initiative Launch**

This was covered in the Distinguished Service Award Presentation above.

## **5. Meeting Dates for 2020**

Chairperson Fitzpatrick shared that in previous years we have generally had a meeting in a city outside of Lincoln. In the past we have had meetings in Columbus, Kearney, Scottsbluff, and throughout the state. A Town Hall Meeting is held the night before with the meeting being held the next day. This gives the members of the board the opportunity to hear feedback from other parts of the state. The estimated cost for this would be approximately \$3,000 to \$4,500, depending on who attends and the mileage incurred.

Board Member, Mr. Norman Weverka, made the motion at approve the board meeting dates for 2020 being March 13<sup>th</sup>, June 12<sup>th</sup>, September 11<sup>th</sup>, and December 11<sup>th</sup>. All the meetings will be held in Lincoln, with the exception of the June 12<sup>th</sup> meeting, which will be held in Kearney. Board Member Ms. Candice Arteaga seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

## **6. Executive Director – NCDHH Personnel Report Update**

Board Member, Ms. Frances Beurivage made the motion to go into closed session at 10:22am. Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

Closed Session

Board Member, Ms. Candice Arteage made the motion to go into open session at 10:37am. Board Member Ms. Frances Beurivage seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka voting aye. Dr. Stacie Ray is absent.

Chairperson Fitzpatrick reported that the board met in closed session with Director Wyvill to discuss personnel issues, and no action was taken.

## **7. NCDHH Rules and Regulations**

Chairperson Fitzpatrick shared that in the past ten days, the IRB has proposed the final version of the Rules and Regulations. Director Wyvill shared that NCDHH has completed the public comment process where there were some concerns raised about the complaint process. The IRB felt it was important that the rules and regulations go back to committee for the review and consideration. The Commission Board agreed to this at the meeting on September 13, 2019.

Since then the task force has had a number of meetings, and presented to the IRB this past Friday two items. One was the draft rules and the second was a companion piece that was prepared by the task force. In a nutshell the IRB voted on the second companion report to accept it and report back to the full board with the recommendation that it goes to the IIC. The IIC will then make recommendations to the full board about internal proceedings of staff in conducting licensure complaint investigations.

Chairperson Fitzpatrick added that the Rules and Regulations are not the law per se, but they are regulatory provisions that effectively have the force of the law and carry out our regulator function in terms of regulating interpreters. This document has the weight of law in the sense that we can act pursuant to suspend someone's license, or take other actions that are significant.

Discussion regarding the timeline involved, it could take six months to a year.

Board Member Beurivage shared the history behind the task force, the members involved and the steps that they have taken. Ms. Beurivage added that the interpreters felt that they didn't have a voice in the process, this is why the task force decided to reconvene. Board Member Beurivage adds that she feels that the Rules and Regulations need to move forward, going to the next step of public comments.

Conversation between the members regarding if the Rules and Regulations should move forward. Chairperson Fitzpatrick shared that he feels the board needs to take more time to review the document that has been presented to them.

Board Member, Ms. Frances Beurivage, made the motion to approve the Rules and Regulations as they were presented to the board. Board Member Ms. Candice Arteaga seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Mr. Fitzpatrick voting nay. Dr. Stacie Ray is absent.

Director Wyvill added that the board also needs to consider accepting the task force rules and regulations report that has been submitted, in recommending it to the IIC.

Board Member, Ms. Frances Beurivage, made the motion to accept the rules and regulations task force report and recommendations. Board Member Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms.

Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

**8. Overview of grievance / licensure process for interpreter licensure matters**

Board Member, Mr. Norman Weverka made the motion to go into closed session at 11:10am. Board Member Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Dr. Stacie Ray is absent.

Closed Session

Board Member, Mr. Norman Weverka made the motion to go into open session at 11:58am. Board Member Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka voting aye. Dr. Stacie Ray is absent.

Regarding Case # 2519

Board Member, Mr. Norman Weverka made the motion to dismiss Case # 2519. Board Member Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka voting aye. Ms. Beurivage abstained, Dr. Stacie Ray is absent.

Chairperson Fitzpatrick added that under Nebraska law only the Full Commission Board has the authority by state statute to review complaints, and vote as a board on how to move forward. There was discussion between the members on this.

Regarding Cases # 2516, # 2517, # 2518

The IRB did not have a recommendation on these three, because they felt that the redaction was too significant for them to make a meaningful recommendation. Chairperson Fitzpatrick added that we have options on how to proceed with these three cases.

- 1.) We can review them in substance.
- 2.) We can remove all redactions and send them back to the IRB and ask them to review and make recommendations to the Full Board.
- 3.) Ask that the redactions be more tailored and some identifiers be put in there for the IRB to be able to reevaluate.

Board Member Dr. Marc Brennan suggested that we give the people in attendance a chance to discuss these three cases.

Board Member, Dr. Marc Brennan made the motion to go into closed session at 12:10pm. Board Member Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Ms. Arteaga abstained. Dr. Stacie Ray is absent.

#### Closed Session

Board Member, Ms. Frances Beurivage made the motion to go into open session at 12:42pm. Board Member Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka voting aye. Dr. Stacie Ray is absent.

Board Member, Mr. Norman Weverka made the motion to dismiss cases # 2516, # 2517, # 2518. Board Member Ms. Frances Beurivage seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Beurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka all voting aye. Ms. Arteaga abstained. Dr. Stacie Ray is absent.

Board Member, Ms. Frances Beurivage asked the Attorney General Representative that was in attendance, if the Full Commission Board is the only board that can dismiss any complaints? Ms. Beurivage explains her understanding of Department of Health and Human Services (DHHS) is that they have staff that are qualified to make the determination on whether the complaint has merit. The Attorney General Representative shared that all the agencies are creatures of statute, and what the legislature gives you. Ms. Beurivage shared that there may be reasoning why the interpreter licensure needs to move away from the NCDHH and under DHHS with other licenses. Noting that there are some clear conflicts of interest between NCDHH doing good advocacy work for the deaf clients and consumers in Nebraska. Ms. Beurivage is asking for clarification when it is okay for NCDHH to ask an interpreter to help them with an advocacy case that they are working on, to provide testimony on that case and yet they have a licensure complaint against them. Ms. Beurivage asking that the Full Commission Board entertain the discussion of moving the licensing of sign language interpreters under DHHS. Chairperson Fitzpatrick asked that we make this a board agenda item for the March, 2020 meeting.

Chairperson Fitzpatrick added that earlier he voted yes earlier for the task force

recommendations, he would change his vote to no because the recommendations include empowering them to dismiss complaints on their own without the Full Commission Board decision. We now understand that this proposed process is not appropriate.

Board Member Weverka added that he doesn't like the idea of licensing falling under DHHS because of their lack of experience of working with individuals who are deaf and hard of hearing. Conversation between the members on this subject.

## **9. License Informal Complaint Review**

Chairperson Fitzpatrick noted that this handout is part of the board packet.

## **10. Legislative Update**

- **Language Equality and Acquisition for Deaf Kids (LEAD-K)** – Chairperson Fitzpatrick shared that he and Director Wyvill had a good meeting with the Kansas Commission for Deaf and Hard of Hearing. They gave them some insight on the process for LEAD-K. One issue that is clear is that the Kansas Commission spent \$600,000 this year on advocates and instructors that help with developing LEAD-K. The Kansas School for the Deaf administers LEAK-K and this makes it easier for them to get money from the legislature. We will have to report back to the group and figure out what we realistically can do here in Nebraska.
- **American Sign Language (ASL) as a recognized language** – Director Wyvill shared that we are exploring the possibility of having American Sign Language (ASL) as an official state language. Currently, ASL is recognized as a world language in the Nebraska Department of Education. According to Director Wyvill this legislation took place in the early 1990's to push for official recognition. At that time it went to a world language verses a state language. Director Wyvill is working on finding a Senator that will sponsor the bill, since it is a short session the sponsors are difficult to find.

Discussion between the members on this subject.

## **H. Executive Director Report**

### **1. Budget**

Director Wyvill shared that Ms. Stephanie DeGroot, Business Manager has been good in keeping us on track with the budget. Adding that the agency had \$81,000 in carry over funding, where we were able to convince the legislature

that we could keep that money. A couple of expenditures that are in the pipeline are replacing our agency computers, second is a bill from Nebraska Interactive for \$10,000 for previous programming work. We will be seeing this bill before the end of the fiscal year.

In March, we will be presenting to the board the proposed budgets for the next two years. This is where you as board members are able to request that we fund specific requests, i.e. interpreter training. In June you'll be voting on a more finalized version of what the budget will look like. The agency will have to submit the budget for the next two years in September to the state before the September board meeting.

## 2. **Bi-Weekly Reports**

Director Wyvill reported that we had a very successful town hall meeting this past Tuesday evening, with the Chief Medical Officer in attendance. Giving thanks to Board Member Arteaga for the use of the Omaha Association of the Deaf (OAD) Hall and Mr. Mark Anderson for promoting this.

Director Wyvill also referenced the document in the board packet from the Nebraska Department of Education (NDE) that gives data about where they are with interpreters in the school districts. Currently there is 28 out of 96 interpreters that have a 4.0 EIPA score. NCDHH is working with the NDE, and the Educational Service Units (ESU) on how we can provide support to these interpreters.

Director Wyvill shared with the board that after they review the board packet that you are encouraged to call or visit with him about any specific focus areas or priorities you may have.

## 3. **Advocacy Specialist's Top Ten Report**

Director Wyvill gave a recap of activities that have been going on at NCDHH.

Director Wyvill gave kudos to Ms. Sharon Sinkler, Interpreter Program Coordinator that she did absolutely an amazing job hosting an interpreter workshop working with partners in the community.

## 4. **Marketing Report**

From the Marketing report one of the more popular items was when we welcomed Mr. Dillon Curren to the team, having over 2,600 people read it. Also adding that you can see on the report the other items of importance.

**Olmstead Plan** – Director Wyvill shared that this is a plan where you live in the most integrated setting possible, and part of our philosophy for advocacy, any time two or more state officials deciding what they want to do with the disability community, NCDHH wants to be a part of this.

**5. Staff Interpreter Rate**

Director Wyvill is asking for permission and authority for any time that our Interpreter Program Coordinator, Ms. Sharon Sinkler goes out on an interpreting assignment for the agency. NCDHH needs to make sure we have the authority to not only bill for her time, but we can also bill for her travel time and mileage consistent with private practice interpreters.

Board Member Ms. Frances Beaurivage made the motion to accept the Executive Directors Report as presented. Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka voting aye. Dr. Stacie Ray is absent.

**I. Public Comment**

No public comments at this time.

**J. Old Business**

No old business to report

**K. New Business**

No new business to report

**L. Adjourn**

Board Member Dr. Marc Brennan moved to adjourn the meeting at 1:13 pm. Board Member Ms. Diane Schutt seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Dr. Brennan, Ms. Schutt, Ms. Shaw, Dr. Turk and Mr. Weverka voting aye. Dr. Stacie Ray is absent.

**Next meeting is:**

- March 13, 2020 from 8:30a – 1:30p  
4600 Valley Rd  
Lincoln NE