

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
1313 Farnam, Conference Room 227, Omaha, NE 68102**

December 9, 2016 Meeting Minutes

A. OPENING

Chairman Margie Propp called to order the December 9, 2016 meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting at 8:45 a.m. at 1313 Farnam, Conference Room 227, Omaha, NE.

B. NOTICE OF OPEN MEETING

Chairman Propp 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. 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 was available for the duration of the meeting.

C. ROLL CALL

For the record, Board Members Margie Propp, Norm Weverka, Dr. Stacie Ray, Dr. Carol Lomicky, John Hogue, Dr. Pete Seiler, and Dr. Frank Turk were present. Board Member Jeremy Fitzpatrick and Gina Frerichs were absent and excused. Also present were Director, John Wyvill; Business Manager, Natasha Olsen; Behavioral Health Coordinator, Carly Weyers; Jenny Corum, Education Advocate; and Kelsey Cruz, Public Information Officer. Interpreters present were Pam Duncan and Sharon Sinkler. Mydge Heaney was present for CART Services.

D. REVIEW OF AGENDA

Executive Director Wyvill reviewed the agenda with the Board Members.

E. ACCEPTANCE OF AGENDA

Chairman Propp 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 Hogue moved to adopt the agenda as printed. Dr. Lomicky seconded the motion. With no further discussion, the motion carried with Propp, Lomicky, Hogue, Ray, Weverka, Turk and Seiler voting aye.

F. ACCEPTANCE OF MINUTES

1. Chairman Propp asked for any additions or corrections to the September 9, 2016 minutes. Ms. Olsen reminded the Board that the previous Interpreter Program Assistant had sent an email regarding the wrong case numbers on the interpreter complaints at the September meeting and asked that a motion be made to amend the minutes with the correct case numbers. Dr. Lomicky made a motion to amend the meeting minutes correcting the case number 1600 to 2200 and 2200 to 2400. Board Member Weverka seconded the motion. The motion passed with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye.

G. CHAIRMAN OF THE BOARD'S REPORT

1. Chairman Propp welcomed everyone and stated two major events have happened since the September board meeting. The first, being the Town Hall Meeting with Governor Ricketts. Board Member Propp read a letter from NeAD thanking the Commission and all the help to prepare for the town hall meeting. Board Member Propp stated the second event was the first, Education Task Force Meeting. Ms. Propp explained there were participants representing parents, state agencies, school districts and graduates from public schools, voc rehab and UNL. Ms. Propp stated that four sub-committees established and these are Employment and Transition, Best Practices In and Out of the Classroom, Social/Emotional Identity and Cultural Development, and IEPs and ~~MDPs~~-MDTs. Ms. Propp updated the Board Members that the Transition Committee has met and have a good starting place.
2. Chairman Propp presented the 2017 Board Meeting dates and locations. Director Wyvill stated the Board has not held a board meeting in Nebraska City so there is a recommendation to hold the June meeting in Nebraska City at the Arbor Day Lodge. Director Wyvill also stated that there was recently staff training held at the University of Nebraska Extension office. Director Wyvill stated that the conference room where the meetings are currently held is extremely tight and is recommending that the board meetings start taking place at the University of Nebraska Extension office when in Lincoln. Board Member Hogue asked if the Arbor Day Lodge has already been booked or can the date be changed? Ms. Olsen stated historically board meetings are held on the second Friday of the month which is how the dates were selected. Board Member Hogue asked if the meeting could be moved to the following Friday, June 16, 2017. Discussion was had regarding the quote that was included for the Arbor Day Lodge. Ms. Olsen explained that the Arbor Day Lodge would be the most expensive location that the meeting would be held at than past years. Dr. Seiler recommended looking into Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) as a possible location to have the meeting. Board Member Weverka made

- a motion to research additional locations for the meeting. Dr. Ray seconded the motion. Ms. Propp clarified the 2017 board meeting dates. Board Member Hogue made an additional motion to accept the March 10, September 8, December 8 meeting dates but change June 9 to June 16, 2017. Dr. Turk seconded the motion. Board Member Hogue amended the motion to accept the four dates (March 10, September 8, December 8 and June 16, 2017) for the board meetings. Dr Turk seconded the motion. Vote was called on the amendment which carried with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye. Board Member's motion as amended was put to the vote and it carried with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye.
3. Board Member Propp presented a plaque to Dr. Carol Lomicky to show appreciation for her service on the Board for the last six years. Board Member Propp stated "Dr. Lomicky has been a great representative for the outside part of Nebraska and she has done a lot of incredible work with advocating to have many places looped in Kearney."

H. BUSINESS AND HR REPORT

1. Natasha Olsen, the agency's Business Manager, explained the agency has not had any large expenditures since the last board meeting. Ms. Olsen proceeded by stating there has been out of state travel for Carly Weyers so the travel expenses has increased but the majority of the budget has been day to day expenditures.
2. Ms. Olsen started by explaining that as a state agency, NCDHH has to follow a retention schedule and the retention schedule is a timeline of how long documentation i.e. accounts payable has to be saved. There is a statewide retention schedule and the Commission has their own retention schedule that has not be updated since 1995. Ms. Olsen stated one of the tasks she would like to complete is updating the Commission retention schedule and incorporating technology into that. The State of Nebraska currently has a program called OnBase that will meets the requirements for the statewide retention schedule and can make the process of paying accounts payable more efficient. Ms. Olsen continued by stating she is asking the support of the Board to proceed with this project. The quote that the Office of the Chief Information Officer has put together estimates the cost at \$21,000. Dr. Seiler made a motion to approve the accounts payable project contract with the Office of the Chief Information Officer. Board Member Weverka seconded the motion. The motion carried with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye.
3. Ms. Olsen shared with the Board the letter received from NeRID with a concern that the Staff Interpreter position has not been filled yet. Ms. Olsen stated that the majority of the positions in the Commission do not have a lot of turnover but the Staff Interpreter position changes employees on average every 18 months to 2 years. Ms. Olsen proceeded by questioning if the wages or the workload causes this and the three

applicants that were interviewed all asked if the hourly wage was negotiable. Ms. Olsen has been in contact with State Personnel and in order to have a market analysis completed to increase the wage it has to go through the collective bargaining process and that process for the 2017-2019 budget has already begun. The Commission previously paid nearly \$6,000 on training for the previous Staff Interpreter.

Board Member Weverka asked what the currently salary is. Ms. Olsen replied that it is approximately \$19 per hour which is about \$40,000 per year. She added that applicants are stating they want to work at the Commission because of the benefits that are offered. However; that does not explain why this position has the most turnover. Historically, this position has handled interpreter complaints, licensing, writing rules and regulation, and interpreter continuing education. Ms. Olsen pointed out, that, after the previous Staff Interpreter left, it was found that 15 interpreter licenses were processed incorrectly. One license stated the interpreter had a QAST 5 and was actually a QAST 3. Ms. Olsen questioned if the lack of detail was because of workload or that person specifically.

Board Member Propp stated that she met with Director Wyvill and she feels it is very important that someone who knows the industry and is a licensed interpreter needs to be in this position handling the referral system, licensing, and complaints. Dr. Seiler stated he is not always comfortable with the Staff Interpreter and the salary has always been an issue with this position. Board Member Weverka stated there is a lot of desk work and that can be overwhelming and that the Commission needs to explore ways to reduce the paperwork for that position. Board Member Propped asked if Traci Cooney is currently handling licensing. Ms. Olsen stated she is currently handling the referral program, licensing, QAST, and continuing education for interpreters. Ms. Olsen added her assumption is the reason this position has the turnover is the additional desk duties. Interpreting is a niche market and a much defined role versus a business administration degree that can have many career options. Ms. Olsen proceeded to say most agencies do not have an employee licensed in that profession processing licenses. When there is a question regarding a specific incident, that's when the licensed professionals that sit on the particular Board are called upon for their opinion regarding the profession.

Board Member Lomicky stated initially she agreed with Board Member Propp, that the position needed to be filled with a Licensed Interpreter, however; after the conversation it appears to be more administrative work than interpreting. Board Member Propp added that they need to be familiar with the interpreter code of ethics. Dr. Seiler added licensing and continuing education are secretarial duties and that current staff that is handling these duties have handled them in the past when Dr. Seiler was the Director. Director Wyvill proceeded by stating adjustments to the Interpreter Program

Assistant/Staff Interpreter position duties have been made so that the Staff Interpreter does not have the desk duties one previously assigned. Traci Cooney is currently handling these duties and is doing outstanding work. It appears the most vulnerability comes from the grievance process and going forward the Director will work closely with the Interpreter Committee comprised from Full Board Members to address this position. In terms of filling the position going forward, it will be divided into two part time positions with one position in Omaha and one in Lincoln to primarily focus on interpreting. The Board referred this issue to the Interpreter Committee (Margie Propp, Jeremy Fitzpatrick and Dr. Pete Seiler). Sometime in the near future, the members of the Interpreter Committee will meet with Natasha Olsen and Director Wyvill to continue to evaluate the Interpreter Program Assistant/Staff Interpreter position.

10 minute break at 10:15 a.m.

I. EXECUTIVE DIRECTOR'S REPORT

1. Director Wyvill explained every two weeks he sends Board Member Propp an overview of his activities. Director Wyvill reviewed a few things that the agency has been working on.
2. Director Wyvill reviewed the monthly reports that are completed by Field Reps and all staff. The average expectations is to do four presentations a month, one booth a month and ten appointments a week. The reason this is tracked is for performance standards and accountability.

J. LEGISLATIVE REPORT

1. Director Wyvill started by stating the 2017-2019 budget has been previously approved by the Board. To summarize the budget, the Board is requesting 1.5 full time employees and \$10,000 for the Jr. NAD conference that will be hosted in Nebraska in 2017. Director Wyvill explained that additional questions were asked from the budget office regarding the budget request and to expect no additional funds above what is already allocated.
2. Director Wyvill informed the Board that, after much persistence, the Department of Administrative Services has name Crystal Booker as the statewide ADA Coordinator. This is not a newly created position as requested. However, the Board's legislative items from last year are paying off.
3. Director Wyvill reminded the Board of the presentation given by Dr. Seiler in June about Lead-K and Dr. Seiler is formally asking the Board to take action with this initiative. Dr. Seiler explained with Lead-K what is noticed most is that many deaf and

hard of hearing children are behind when they are 18 and ready to graduate. These students are already behind the children who are hearing and it continues to affect the academic skills of the deaf and hard of hearing children. Therefore, it is believed that these children need benchmarks tracked prior to kindergarten. Dr. Seiler explained that a steering committee has been created the Nebraska Association of the Deaf for Lead-K in Nebraska. The members on this steering committee consists of Dr. Seiler, Lindsay Darnall, Jr., Debie Seiler, Jonathan Scherling, and Jenny Herzog. There will be several subcommittees will be formed. Two more participants will be added to the steering committee that are parents. Dr. Seiler had worked with Director Wyvill to comprise questions to request data from the Department of Education. Board Member Hogue made a motion for the Commission to support Lead-K in Nebraska. Dr. Ray seconded the motion. The motion carried with Propp, Lomicky, Hogue, Ray, Weverka, and Turk voting aye and Dr. Seiler abstaining from the vote.

4. Director Wyvill stated that it was decided to pursue legislation for Movie Theater captioning similar to what has been done in Hawaii. Director Wyvill stated the Department of Justice has meet and issued a final rule in the rule making process which included that closed captioning need to be done in movie theaters to make them accessible. Dr. Seiler added that the bill in Hawaii includes the Auditory Loop for hard of hearing people who use it with their hearing aids. Dr. Seiler stated the bill directs that if a theater has four theaters within their facility that two of them must be accessible at all times. Dr. Seiler made a motion to accept the recommendation of the LR412 interim study committee about movie theater captioning. Board Member Hogue seconded the motion. The motion carried with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye.
5. Director Wyvill informed the Board that the work group for LR463, (the hearing aid interim study) has requested more time due to the complexity of the issue. Dr. Seiler made a motion to accept the recommendation for more time on the LR463 hearing aid interim study. Dr. Turk seconded the motion. The motion carried with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye.

K. INTERPRETER PROGRAM REPORT

1. Director Wyvill informed the Board the follow up letters regarding to interpreter complaints at the previous board meeting were included in the packet.
2. Director Wyvill stated there are currently 109 individuals licensed in Nebraska as interpreters and three VRI companies. Director Wyvill added there is a brief description of errors that were found with interpreter paperwork with the previous Interpreter Program Assistant and that those errors have been corrected.

L. MARKETING REPORT

1. Kelsey Cruz gave a brief summary of the most popular Facebook posts and that the hiring of Carly Weyers for the Behavioral Health Coordinator was the most popular. Ms. Cruz also stated the Deaf and Hard of Hearing Awareness Day at the Omaha Henry Doorly Zoo was once again very successful. Ms. Cruz informed the Board that Dr. Seiler will give more detail about the Town Hall Meeting with Governor Rickett's and that she was there and it was a very positive event.

M. OTHER BUSINESS

1. Dr. Ray presented information regarding Hear U and stated that this has become a passion for her. Of every 1,000 babies born, 1 to 3 are born with hearing loss in Nebraska. In 2015 there were 27, 127 births and 58 children were diagnosed with being deaf or hard of hearing. Dr. Ray explained that research indicates that children who do not have access to early intervention, including treatment options like hearing aids, cochlear implants, or sign language, that if the treatment and intervention does not occur by the age of 6 months, it could cost society up to about \$1 million. Dr. Ray continued by stating hearing loss is being caught very early now due to the newborn hearing screening, and children are receiving services by the age of 6 months and therefore, are developing closely to their hearing peers.

Dr. Ray informed the Board that often time insurance does not cover hearing aids and that the average cost for a pair of hearing aids in the United States is \$4,400. If you are at the poverty level, this would equate to almost 40% of your annual income. So many individuals do not qualify for government insurance plans. Dr. Ray stated we also know that there's a lot of additional costs for hearing aids. Those costs for ear molds run \$150 to \$200 a pair, and if you have hearing aids as a young baby, they may have to be changed every two to three months and the batteries, etc.

Hear U was started as a short-term hearing aid bank in 2008, as I said, and it was with the support and collaboration of the Nebraska Early Hearing Detection and Intervention program. To date Hear U has provided 531 hearing aids to over 300 children that range in age from three weeks to 18 years of age.

Hear U also provides assistance to parents, a listening kit for the parents so they can learn how to troubleshoot the hearing aids, they can check the batteries and learn how to use the devices. Hear U also covers the cost of dispensing fees so the children can go to their own audiologist.

In 2008 Hear U served 29 children. Last year, Hear U served 58 children, Because of donations and grants, Hear U has not had to turn a child away.

Dr. Ray closed by saying that a family should not have to choose between putting food on their table or meeting the needs of their child. She is glad to be a part of the collaboration of all the different professionals and the Commission for the Deaf and Hard of Hearing to be able to do what we can do to provide what we can to lessen the burden of the parents so they can they can focus on their children.

2. Dr. Seiler stated the Town Hall Meeting with Governor Ricketts was amazing and appreciated the Governor's office and NCDHH for working with NeAD to make this happen. Governor Ricketts was adamant that, if communication needs are not being met, people needed to contact NCDHH or his office.
3. Dr. Lomicky thanked the Board for approving her travel to the Hearing Loss Association conference. This was her first HLAA conference and plans to attend more in the future.
4. Jenny Corum introduced herself as the Education Advocate for the Commission. Ms. Corum stated the first Education Task Force Meeting was held in November and it has organizations evaluating what they are currently doing and what they can do to make their programs better for Deaf and Hard of Hearing students. Director Wyvill informed the Board that Ms. Corum will be receiving training from Disability Rights Nebraska regarding IEPs, Rule 51, etc. and other topics to make her successful in this position.
5. Carly Weyers gave an overview of training that she attended for domestic violence and thanked the Board for approving her to travel to Silver Springs, MD for this workshop. Ms. Weyers also talked about the Deafhood 101 training that she attended. Ms. Weyers stated even though I was born and raised deaf, lived the life, that class really opened my eyes to new things with Deafhood. They talked about how we the how we're colonized and divided and damaged by Colonialism. And so they talked about reframing and how do we reframe hearing people's view of deaf people? Currently deafness is framed from the medical viewpoint. As the Behavioral Health Coordinator, how can she change that point of view.

Ms. Weyers proceeded by informing the Board that she and Kim Davis hosted the first Law Enforcement Task Force Meeting on November 18th. The goal of that was to open discussion and dialogue as far as how can everyone work together. During the meeting, a lot of great feedback was given and a lot of ideas from those in law enforcement and those that are leaders in the deaf community.

Ms. Weyers informed the Board that NCDHH was approved for an Enrichment Foundation grant. The Enrichment grant will help fund a domestic violence workshop in the spring for deaf or hard of hearing people. Ms. Weyers has been in contact with Keri Darling to be the presenter and plans to collaborate with the Heartland Deaf Advocacy Services.

N. NEW BUSINESS

1. Director Wyvill informed the Board that he was previously contacted regarding the local news stations and the closed captioning during the news segments. Ms. Cruz stated that she has been in contact with the news stations and with live news, more specifically the weather or weather emergencies voice recognition is used and is supposed to recognize what is being said. It was noted that during cut-ins it's specifically most difficult for weather because sometimes due to the weather the technology or satellite or whatever the connection may be isn't working and it says sometimes there's no way they can control that. For weather segments, he said it is called the "essence of the forecast" is what he said which is captions meaning it's a brief description of the forecast along with the maps that are displayed. After additional research the news stations are found to be in compliance with the ADA. They're making an effort to make the broadcast accessible, but sometimes the voice activation is not working, malfunctions or for a variety of different reasons is not working.

O. SUBCOMMITTEE UPDATES

1. No discussion was held

P. PUBLIC COMMENT

Karen Weverka introduced herself and stated she has a problem visiting her medical provider who insists on using Video Remote Interpreting for the visits. She has problems understanding the video remote interpreters. She also shared that other deaf people go for medical visits and that some people have problems understanding the video remote interpreter. Director Wyvill asked that if Mrs. Weverka knows of specific complaints to ask those people to call the Commission so that we can help.

Q. ADJOURN

Dr. Seiler made a motion to adjourn the December 9, 2016 board meeting at 1:02 p.m. Dr. Turk seconded the motion with Propp, Lomicky, Hogue, Ray, Weverka, Seiler, and Turk voting aye.

These minutes were available for public inspection on December 21, 2016, in compliance with Nebraska Statute §84-1413 (5).