

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

March 10, 2017 Meeting Minutes

A. OPENING

Chairman Margie Propp called to order the March 10, 2017 meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting at 8:36 a.m. at 4600 Valley Road, Conference Room 1 in Lincoln, Nebraska.

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. Marc Brennan, John Hogue, Dr. Pete Seiler, and Dr. Frank Turk were present. Board Member Jeremy Fitzpatrick arrived at 9:15 a.m. Dr. Carol Lomicky was absent and excused. Also present were Director, John Wyvill; and Business Manager, Natasha Olsen. Interpreters present were Ben Sparks 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. Weverka seconded the motion. With no further discussion, the motion carried with Propp, Brennan, Hogue, Ray, Weverka, Turk and Seiler voting aye.

F. ACCEPTANCE OF MINUTES

1. Chairman Propp asked for any additions or corrections to the December 9, 2016 minutes. Dr. Seiler made a motion to accept the meeting minutes as presented. Dr. Turk seconded the motion. The motion passed with Propp, Brennan, Hogue, Ray, Weverka, Seiler, and Turk voting aye.

G. CHAIRMAIN OF THE BOARD'S REPORT

1. Chairman Propp welcomed everyone and welcomed the newest Board Member Dr. Marc Brennan. Chairman Propp stated that she appeared before the Appropriations Committee for the Commission's budget hearing and commended Director Wyvill on a job well done. Chairman Propp added that Board Member Fitzpatrick was also there with his five year old son and that the Committee will remember his son. Chairman Propp updated the Board on the Education Task Force Committee and that each sub-committee has established goals and are moving in a positive direction. Chairman Propp stating that Board Member Fitzpatrick wrote an article for Hands and Voices and that Dr. Pete Seiler was inducted as an honorary member of the Kappa Gamma Fraternity at Gallaudet. Chairman Propp also applauded Nebraska's Academic Bowl Team. They won 3rd place in the regional competition and have been accepted to participate in the National Academic Bowl at Gallaudet as a wild card.
2. Dr. Brennan stated he is part of the deaf and hard of hearing community and an Audiologist at Boys Town National Research Hospital. Chairman Propp added that Dr. Turk has been reappointed to the Board for three more years. Director Wyvill stated Governor Rickett's office is continuing to accept applications for Dr. Lomicky's position on the Board which is for a deaf representative.
3. Director Wyvill reminded the Board Members that the dates and location for the 2017 board meetings were voted on at the December board meeting. The location selected for the June 2017 board meeting was in Nebraska City. Director Wyvill stated due to the revenue forecast and changes in the circumstances the costs for an out of town board meeting is cumbersome. The out of town meeting in 2016 cost nearly \$6,000. Director Wyvill recommended to the Board to consider cancelling the out of town board meeting and have the meeting in Lincoln. Chairman Propp asked if there was any discussion and Dr. Ray added that she concurs. The Commission needs to be good stewards of our money and consider moving the meeting to Lincoln. Board Member Weverka made a motion to accept canceling the location of the out of town board meeting in June and have the meeting in Lincoln. Dr. Ray seconded the motion. The motion carried with Propp, Brennan, Hogue, Ray, Weverka, and Turk voting aye.

4. Director Wyvill introduced the 2016 Annual Report and asked the Board to formally accept the report before it is given to the Governor's office. With no discussion or edits, Board Member Hogue made a motion to accept the 2016 Annual Report. Dr. Brennan seconded the motion. The motion carried with Propp, Brennan, Hogue, Weverka, Turk, Seiler, and Ray voting aye.

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 drew attention to the numbers presented in the board packet and stated that those numbers were the budget before LB22 passed and money was removed from the Commission's appropriations. Ms. Olsen stated the current appropriations after LB22 is \$1,059,437. That number is after \$77,000 was removed from the Commission's re-appropriations from fiscal year 2015 and \$40,000 from the operating expenditures. Ms. Olsen added that the cash fund is approximately \$17,000 and that funding comes from QAST fees, licensure fees, and any time the staff interpreter is used in the community. The total budget for NCDHH with the cash fund is \$1,076,682 and the fiscal year is 66% complete and the Commission is about 40% under budget.
2. Ms. Olsen started by explaining that her and Director Wyvill had extensive conversations on the need of the Accounts Payable program that was approved at the December 2016 board meeting by the Board. This program was going to be approximately \$25,000 and with some of the appropriations being removed they did not feel that it was necessary to take on a large expenditure at this time. Director Wyvill added that this year was unique because of the decline in revenue and having year-end adjustments to appropriations made. Director Wyvill stated that several requests were made at the 2017-2019 biennium budget hearing which included the Commission keeping any appropriations that were not used from the current fiscal year.

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 introduced Stan Odenthal, the Executive Director from the Nebraska Equal Opportunity Commission. Mr. Odenthal stated the NEOC has 27 employees and three offices in Nebraska. The NEOC's mission is to eliminate discrimination in Nebraska. Mr. Odenthal stated when the Commission submitted LB269 Movie Theater Open Captioning bill it was realized that Nebraska is one of the few states that does not have disability protected under the public accommodation law. Mr. Odenthal informed the Board that 45 states have public accommodation laws and of those 45 states, all but Nebraska, Wyoming, Utah, and Tennessee, don't have protection for people with disabilities under the public accommodation law. Mr. Odenthal stated Nebraska's public accommodation law basically protects individuals when they're going into an establishment that's open to the public so that everyone can have equal and full access to those locations such as restaurants, movie theaters, hotels, motels, etc. The NEOC is asking NCDHH to support this effort in the next legislative cycle to introduce a bill that would add disability as a protected class under our public accommodation law. Dr. Seiler as what the current law lists as protected classes and Mr. Odenthal stated there are currently six protected classes: race, color, religion, sex, national origin and ancestry.

Dr. Seiler made a motion to work with the NEOC in adding disability groups, especially deaf and hard of hearing, as it applies to public accommodations. Board Member Fitzpatrick seconded the motion. The motion carried with Propp, Brennan, Hogue, Fitzpatrick, Weverka, Turk, Seiler, and Ray voting aye.

Break from 10:10 to 10:15 a.m.

2. **LB269** Open Movie Theater Captioning. Senator Watermeier has filed the bill and a public hearing was held in which we had a few people testify, including Dr. Seiler, Director Wyvill, and Jacob Custer; the student from Southwest High. Director Wyvill stated that he and Dr. Seiler met with a movie theater representative after the hearing to see if an agreement could be made outside of legislation. The movie theaters contain to say they were unaware there were problems with the devices that are available. The movie theaters wrote a memorandum of understanding for NCDHH and NeAD to review and another meeting is being set to discuss the memorandum of understanding in more detail.

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, Brennan, Hogue, Ray, Weverka, Seiler, and Turk voting aye.

3. **LR463** Interim Hearing Aid Study. Dr. Seiler asked Director Wyvill if he thought the U.S. Congress is going to reduce Medicaid coverage. Discussion was had regarding changes in the current state Medicaid plan and payment to providers.
4. **LB456** Support Services for Disable Parents in Family Matters. NCDHH was asked to write a letter of support that requires people not to discriminate against people who are deaf and or disabled in family custody matters. A hearing was held on February 8, 2017 in which Dr. Seiler, Jonathan Scherling, and Linsay Darnall, Jr. testified. Dr. Seiler stated this is a good bill for not only the deaf community but the blind community as well.

K. INTERPRETER PROGRAM REPORT

1. Board Member Hogue made a motion to go into closed session at 11:08 a.m. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Dr. Brennan seconded the motion. The motion carried with Propp, Brenna, Hogue, Fitzpatrick, Ray, Weverka, Seiler and Turk voting aye.
2. Board Member Hogue made a motion to go into open session at 11:46 a.m. Dr. Turk seconded the motion. The motion carried with Propp, Brenna, Hogue, Fitzpatrick, Ray, Weverka, Seiler and Turk voting aye.
3. Board Member Fitzpatrick made a motion a letter be sent to Interpreter #1 that if a fourth violation of the Referral Program Policies occurs again then Interpreter #1 shall be suspended from the Referral Program for three months. Board Member Hogue seconded the motion. The motion carried with Propp, Brenna, Hogue, Fitzpatrick, Ray, Weverka, Seiler and Turk voting aye.

Working Lunch with lunch being served at 12:00.

L. MARKETING REPORT

1. Kelsey Cruz gave a brief summary of the most popular Facebook posts and that the Carly Weyers's video she made with Nebraska VR was extremely popular and reached 28,000 people. Ms. Cruz also noted that the post regarding Dr. Seiler's induction to Kappa Gamma was very popular as well.

Ms. Cruz informed the Board that the Commission has been collaborating with other state agencies to make videos in ASL. Recently, a video in ASL for the tax commission was completed and they are currently working on one with the Department of Motor Vehicles on how to renew your license online.

2. Ms. Cruz stated the Marcus Theater event at Twin Creek Cinema in Bellevue was successful. Dr. Seiler stated that 58 people paid to watch the movie at the event with open captions.
3. The 2017 Salt Dogs event will be hosted on Wednesday, June 28th this year.
4. Ms. Cruz has been representing Director Wyvill at the ADA Task Force meetings. Recently the task force has created an application process and application for a statewide ADA Coordinator.

M. OTHER BUSINESS

1. Director Wyvill requested to attend the 2017 Hearing Loss of America Association annual conference in Salt Lake City, UT from June 22-25. The day before the conference starts a state directors meeting is held. Board Member Hogue made a motion to approve Director Wyvill's travel to the 2017 HLAA Conference in Salt Lake City. Board Member Weverka seconded the motion. The motion carried with Propp, Brennan, Hogue, Fitzpatrick, Ray, Weverka, Turk, and Seiler voting aye.
2. Ms. Corum updated the Board on the education training she participated in with Disability Rights Nebraska. This was a two day training that DRN collaborated with the Commission on to assist Ms. Corum with her position at the Commission. Ms. Corum stated she is actively working on three IEPs currently. Many parents have reached out to Ms. Corum on advice before asking her to join at the IEP meetings. Ms. Corum stated the Education Task Force has been busy and are currently researching information and data. The third item discussed was the Education Summit. Ms. Corum stated the dates that are being looked at are in October the goal and objective for this summit is going to be to expand, enhance, and develop collaboration for parents and educators relating to best practices, employment transition, social emotional and cultural identity. Director Wyvill discussed the letter that was sent to the Department

- of Education recommending that an outside consultant be hired to assess the deaf and hard of hearing program in Nebraska schools. Director Wyvill stated the Director of Special Education, Steve Milliken, responded in January after the last board meeting that an internal assessment will be completed first and may consider employing a consultant in the future. Dr. Seiler stated that the Board send a letter to NDE reiterating the Commission recommends an outside consultant be hired.
3. Director Wyvill stated the new Advocacy Specialist, Aubrey Jazwierski, in the Omaha office has been sick the previous two days and so she is not at the board meeting today. Director Wyvill stated she grew up on the east coast and previously worked at the Baxter School for the Deaf. Ms. Jazwierski previously worked at Health and Human Services in the Developmental Disabilities section. Chairman Propp asked for an update on the Staff Interpreter position. Director Wyvill stated that Ms. Olsen and himself are in the process of researching the position and will have a meeting with the Executive Committee to discuss this in more detail at a later date. Dr. Seiler stated that it's time to look at the position and possibly have it reclassified so that the Commission is able to retain a Staff Interpreter.
 4. Carly Weyers, the Behavioral Health Coordinator informed the Board that fliers for the upcoming Domestic Violence have been handed out and Keri Darling will be the presenter. The goal for the workshop is to provide awareness to the deaf and hard of hearing people that resources are available in Nebraska if you are a victim of domestic violence. Ms. Weyers informed the Board that she is on the committee for the NeAD bi-annual conference and that will be held from June 1-4. Lastly, Ms. Weyers stated that she and Kim Davis, an Advocacy Specialist at the Commission have been working on the Law Enforcement Task Force together and are currently gathering information through a survey from people who are Deaf or Hard of Hearing and what their experience has been like with law enforcement.
 5. Board Member Weverka updated the Board on the TRS Advisory Committee. This committee meets once a year and recently met in January. During the meeting, the budget was discussed and that not many people are using the relay system therefore, relay numbers are declining. Internet access was also discussed and the need for high speed internet in rural areas for video phones. Cellphones were discussed and the number of families that have multiple cellphones. The equipment distribution program only provides one piece of equipment to a household and the Commission should advocate for a second piece of equipment being included for each household. Board Member Weverka also stated that the Public Service Commission has two vacancies if anyone interested.

N. NEW BUSINESS

No discussion was held.

O. SUBCOMMITTEE UPDATES

No discussion was held

P. PUBLIC COMMENT

No Public Comment.

Q. ADJOURN

Board Member Hogue made a motion to adjourn the March 10, 2017 board meeting at 1:25 p.m. Board Member Fitzpatrick seconded the motion with Propp, Brennan, Hogue, Fitzpatrick, Weverka, Seiler, and Turk voting aye. Dr. Ray left the meeting at 1:15 p.m.

These minutes were available for public inspection on March 23, 2017, in compliance with Nebraska Statute §84-1413 (5).