

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

December 8, 2017 Meeting Minutes

A. OPENING

Chairperson Margie Propp called to order the September 8, 2017 meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting at 8:42 a.m. at 4600 Valley Road, Conference Room 1 in Lincoln, Nebraska.

B. NOTICE OF OPEN MEETING

Chairperson 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. Publication of official notice of the meeting appeared in the December 1, 2017 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 was available for the duration of the meeting.

C. ROLL CALL

For the record, Board Members Margie Propp, Norm Weverka, Dr. Marc Brennan, Jeremy Fitzpatrick, Dr. Frank Turk, Diane Schutt, Candice Arteaga, and Dr. Stacie Ray were present. Dr. Pete Seiler was absent and excused. Also present were John Wyvill, Executive Director, and Natasha Olsen, Business Manager. Interpreters present were Francis Beurivage 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

Chairperson 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 Fitzpatrick moved to adopt the agenda as printed. Board Member Weverka seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Fitzpatrick, Ray, Weverka, and Turk voting aye.

F. ACCEPTANCE OF MINUTES

1. Chairperson Propp asked for any additions or corrections to the September 8, 2017 minutes. Board Member Weverka made a motion to accept the meeting minutes as presented. Board Member Arteaga seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Fitzpatrick, Weverka, and Turk voting aye.

G. CHAIRPERSON OF THE BOARD'S REPORT

1. Chairperson Propp introduced Carlos Serván. Mr. Serván is the new Executive Director for the Nebraska Commission for the Blind and Visually Impaired (NCBVI). Mr. Serván started by telling the Board that he is originally from Peru, South America and he became blind as a result of an explosion in Peru. Mr. Serván updated the Board on the services that NCBVI offers and that he looks forward to working with NCDHH in his role as Executive Director of NCBVI.
2. Chairperson Propp introduced Crystal Booker. Ms. Booker is an Employee Relations Representative with the Employee Relations Division of the Department of Administrative Services and has also been given the duties as the State of Nebraska ADA Coordinator. Ms. Booker informed the Board that over the last year and a half she has been working with Executive Director Wyvill, NCBVI, Nebraska Equal Opportunity Commission (NEOC) and the Office of the Chief Information Officer (OCIO) to create the ADA Taskforce to ensure that state government is accessible for all citizens. Ms. Booker also stated the ADA Taskforce is currently selecting applications for five vacant spots and the deadline for the application is January 12, 2018. These spots will be filled with either citizens with disabilities or nonprofits that support individuals with disabilities.
3. Chairperson Propp started by welcoming the newest member to the Board, Diane Schutt. Ms. Schutt introduced herself and that she taught for 35 years and retired three years ago. Ms. Schutt talked about her life and realizing she noticed she was hard of hearing when she was 22 and after many tests it was determined she was born hard of hearing.

Chairperson Propp updated the Board on the Education Taskforce and that a summary regarding the SPOT analysis was given by Rhonda Fleischer and Teresa Coonts. With that, the Department of Education has started reviewing the opportunities and threats that came from the SPOT analysis. Currently, the four subcommittees for the Taskforce will now be meeting to look at the SPOT analysis report and how it applies to each of their committees. These four committees are also developing surveys that they want to send out to also collect more information. The subcommittees are creating additional

surveys to gather information and will be presented to the Steering Committee on January 24th. The Steering Committee will then compile and reduce the questions to one or two pages and mail survey to constituents in February. After reviewing and compiling the results, the Steering Committee will present a final report to the Board at the March meeting.

H. BUSINESS AND HUMAN RESOURCE REPORT

1. Natasha Olsen, Business Manager, informed the Board that there have been no large or unexpected expenditures to date for the 17-18 fiscal year. Ms. Olsen shared that there were announcements of a 1% budget reduction for the agency which will happen in the 3rd and 4th quarters of the current fiscal year. For NCDHH, that totals about \$20,000.
2. Ms. Olsen stated the memos from the Governor's office which reiterated the above paragraph with regards to the 1% budget reduction. The Governor's memos explained the reason for the budget reduction rested with the downward revisions of the General Fund tax receipts.

Break 10:00 a.m.-10:10 a.m.

I. LEGISLATIVE REPORT

1. State

Executive Director Wyvill stated that historically the Board reviews the Legislative agenda in December for the upcoming Legislative session. The Legislative Committee is made up of Board Member Weverka, Dr. Seiler, and Board Member Fitzpatrick. Executive Director Wyvill stated this is a short session, however for the 2019 session hearing aid legislation for children is still a priority. Executive Director Wyvill recommended that NCDHH adopt what Georgia was recently successful in getting passed for hearing aid coverage and begin working with the Nebraska Speech Language Association and their team to move forward.

The next item on the Legislative agenda is the Lead-K through 12. Executive Director Wyvill stated that Dr. Seiler is unable to be here today. However, Executive Director Wyvill gave a brief description regarding LEAD-K. LEAD-K is an acronym for Language Equality and Acquisition for Deaf children – Kindergarten LEAD-K is a direct response to deaf and hard of hearing kids arriving at Kindergarten with inadequate or no language skills. The Nebraska Association of the Deaf and the National Association of the Deaf consider this to be ~~they have~~ language deprivation, whether it be English or ASL. Executive Director Wyvill feels that the children benefit from ASL and need to be language ready in the school system. Board Member Fitzpatrick requested for the next Board Meeting that Dr. Seiler give additional information regarding LEAD-K. Dr. Seiler,

representing the NeAD, is asking for NCDHH staff support along with endorsement from NCDHH.

Executive Director Wyvill asked for guidance from the Board regarding the access for deaf and hard of hearing people to the political process here in Nebraska by advocating for captioned ads for state and local races. Dr. Turk stated he is aware of at least ten states that are actively involved in captioning political ads and recommended that Executive Director Wyvill talk to NAD and stated that California, Texas, Maryland, Florida, are four states that come to mind that are already at work on this subject.

As a reminder, Executive Director Wyvill stated that the EEOC spoke to the Board and ask for their support to pursue Legislation to add people with disabilities in the coverage of equal opportunity laws in the State of Nebraska.

Executive Director Wyvill said work is still being done with open captioning in movie theaters and there has been a flurry of activity since the movie Wonderstruck was shown with open captions. Board Member Arteaga convinced a theater in Omaha to show the movie with open captions which prompted the Ross Theater in Lincoln to offer that as well. Board Member Arteaga thanked Pamela Duncan for all of her work on this task as well. Executive Director Wyvill learned through an email from UNL that they decided to make all showings of the movie open captioned and had such a good turnout that they extended the run of the movie to another weekend.

Executive Director Wyvill informed the Board Members, that the next item is to introduce a technical corrections bill in Nebraska state law to remove offensive language found in state statutes referring to deaf and hard of hearing individuals as hearing impaired.

And that's a legislation that Dr. Seiler has indicated NeAD wants to pursue and they're asking for our assistance, and support. In conversations with NeAD, this appears to be a no brainer bill in terms of changing offensive language.

The next item discussed was a recap of the Cogswell-Macy Act. IDEA is up for reauthorization in front of Congress and the authorization process takes five to maybe ten years to reauthorize legislation at a federal level. The consensus from national advocates in the deaf and hard of hearing community is to file a separate bill specifically for deaf, deaf/blind, and hard of hearing individuals in anticipation of IDEA. Executive Director Wyvill brought to the Board's attention that a support

letter was sent in 2016 and stated it may be a couple more years before it gets discussed again. What is significant is that, on October 20, 2017, the federal Office of Special Education rolled back 72 federal guideline documents relating to IDEA without providing very clear guidance as to the rationale why these regulations were rolled back.

Board Member Dr. Brennan made a motion to adopt the Legislative agenda for 2018 with Board member Dr. Ray seconding the motion. The motion carried with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

J. EXECUTIVE DIRECTOR'S REPORT

- a. Executive Director Wyvill reminded the Board that, every two weeks, he sends Chairperson Propp an overview of his activities. Director Wyvill reviewed a few things that the agency has been working on.
- b. Executive Director Wyvill reviewed the monthly reports that are completed by all the staff. For the Advocacy Specialists, the average expectation 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.
- c. Executive Director Wyvill stated that Ms. Isom has been working with Sarah Patterson from ESU 13 to plan a zoo event for the Scottsbluff area.
- d. Executive Director Wyvill stated that, in terms of our social media, the Deaf and Hard of Hearing day at the zoo, our collaboration with the NeAD and others, we had nearly 2,000 people take a look at the Facebook post. The Education Summit promotion alone had approximately 1600 views.
- e. Ms. Cruz will be sharing at the March board meeting the annual report for your review and approval before sending to the Governor.
- f. Executive Director Wyvill informed the Board that Ms. Carly Weyers was awarded the Enrichment Foundation Grant again and will be hosting a workshop this spring with the grant. Ms. Weyers also traveled to the National Leadership training with Jenny Corum, Dr. Pete Seiler, and Heath Focken, President, NeAD, this past October.
- g. Ms. Jenny Corum gave an update on the Education Task Force with the most recent meeting being held on December 4th. It was a highly anticipated meeting as the SPOT analysis was being reviewed. Rhonda Fleisher and Teresa Coonts came to the meeting and presented on various themes found in the SPOT Analysis. The number one threat found throughout the SPOT analysis is funding for professional training. Other issues were identified and discussed at the December 4th meeting. Ms. Coonts stated her goal is to meet with her supervisors to bring these things to them and see what the next steps are. Ms. Corum shared that the Steering Committee is scheduled to meet again on January 24, 2018.

Ms. Corum stated there was a very good turnout for the first Education Summit and planning for the next summit has already begun with a couple of presenters that are nationally known.

K. INTERPRETER PROGRAM REPORT

1. Pamela Duncan introduced herself to the Board and stated that one of her roles as the Interpreter Program Coordinator is to bring professional development to the interpreters throughout the state. Ms. Duncan went on to explain that one of the things she has been tasked with is developing mini workshops. The first one was recently held on Saturday, December 2nd. It is anticipated that each workshop will cover a different topic. Ms. Duncan informed the Board that, on March 17 and 18, 2018, the Commission will host a two-day interpreter workshop with the Marvin Miller from Deafhood being the presenter.
2. Ms. Duncan informed the Board that, currently, NCDHH proctors the QAST testing tool and the QAST Task Force had recommended that NCDHH stop giving QAST.
3. Ms. Duncan presented to the Board that NCDHH start charging a fee to approve CEUs for interpreter workshops. NCDHH is an RID sponsor and gets requests from many people out of state to approve CEUs because NCDHH does not currently charge a fee while other states do. Also, in other states, the RID Chapter in that state is the CMP Sponsor and not the state agency. NCDHH pays a fee to RID to be a Sponsor to approve CEUs. Board Member Fitzpatrick recommended to do additional research as to whether or not NCDHH can only charge out of state residents for this service and not residents of Nebraska.

Chairperson Propp stated that, at the last board meeting, there was a motion made to create a task force to review the rules and regulations governing interpreter licensure, and to review the internal policies and procedures that govern interpreters. The QAST task force has met twice and Board Member Fitzpatrick has some motions.

Board Member Fitzpatrick made a motion that the Board agree and determine that the Commission will no longer administer the QAST test effective as of June 1, 2018. Board Member Arteaga seconded the motion. Board Member Weverka asked what will happen to QAST if a private business does not assume the duties of proctoring QAST? Board Member Fitzpatrick answered the question by stating that, if no business chooses to administer QAST, then QAST will no longer be a certification offered in Nebraska. Executive Director Wyvill stated he is in full support of this, but did mention there may be a couple of consequences in that NCDHH will no longer have control over the fee that is charged and if the test is not evaluated in a timely manner, NCDHH will no longer be involved in that. Dr. Brennan asked if NCDHH had an option to stop proctoring the exam. Board Member Fitzpatrick stated that NCDHH doesn't *have* to stop proctoring

the exam, however; it is only viable for a period of time. Executive Director Wyvill stated that the Commission will no longer be involved in the administration, nor offer the site for testing nor allow the Commission's equipment to be used. The administration/proctoring business will have to work with the landlord to rent one of the spaces here if they would like to use space in the building.

The motion carried with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

Board Member Fitzpatrick stated that the Interpreter Issues Committee recently met and discussed various issues that came out from the charge that the Board established at the last board meeting. Board Member Fitzpatrick stated specifically there was an issue in which the QAST Taskforce had a meeting last month, and then there was a subsequent meeting that followed that meeting with Chairperson Propp and some interpreters. Board Member Fitzpatrick made a motion to approve the use of the Commission space by the QAST task force to meet with stakeholders and to give the QAST task force authority to engage the Commission space when necessary to meet with stakeholders pursuant to its charge from the Commission. Ms. Olsen stated that, with any Commission meeting and need for space for such meetings, documentation needs to be provided that it's being used for Commission related function. It is always necessary to provide an agenda which shows the location and the time and the date of the meeting. As always, it is important to establish such records for auditing purpose. Board Member Fitzpatrick repeated the motion asking the Board to approve the prior use of the space, and authorize the QAST task force to with discretion and appropriate use to use the meeting space when necessary when they can't get a free facility for future meetings. Dr. Brennan seconded the motion. The motion carried with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

Board Member Fitzpatrick made a motion that the Board reinstate Barb Woodhead's QAST certification with the indication that she should continue to maintain her CEU's for the purposes of licensure, and accompanying that John correspond with her to inform her of the board's decision. Dr. Ray seconded the motion. The motion carried with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

4. Chairperson Propp stated that additional information was needed from the Interpreter Review Board so the Board would not review the Interpreter Complaint today.

Lunch served at 12:00 p.m.

L. NEW BUSINESS

1. Out of State Travel

- a. Executive Director Wyvill stated that he would like approval to send Pam Duncan to the RID region IV conference for her professional development July 19-22, 2018. Board Member Fitzpatrick made a motion to approve the out of state travel. Dr. Turk seconded the motion. The motion carried with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

M. SUBCOMMITTEE UPDATES

Chairperson Propp asked if any of the new Board Members would be interested in serving on the subcommittees and if so, to let her know. Ms. Olsen stated that a couple of years ago, the Board approved an award policy that alleviates the duties of the Awards Recognition Committee. Chairperson Propp said additional discussion will be had at the next meeting.

N. PUBLIC COMMENT

No Public Comment.

Karen Weverka was in attendance.

Q. ADJOURN

Board Member Fitzpatrick made a motion to adjourn the December 8, 2017 board meeting at 1:45 p.m. Board Member Weverka seconded the motion with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

These minutes were available for public inspection on December 20, 2017, in compliance with Nebraska Statute §84-1413 (5).