

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

March 9, 2018 Meeting Minutes

A. OPENING

Chairperson Margie Propp called to order the meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting on March 9, 2018, at 8:35 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 March 2, 2018 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, Candice Arteaga, Dr. Pete Seiler and Dr. Stacie Ray were present. Dr. Frank Turk, Jeremy Fitzpatrick, and Diane Schutt were absent and excused. Also present were John Wyvill, Executive Director; Pamela Duncan, Interpreter Program Coordinator; 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 Weverka moved to adopt the agenda as printed. Board Member

Arteaga seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

F. ACCEPTANCE OF MINUTES

1. Chairperson Propp asked for any additions or corrections to the December 8, 2017 minutes. Dr. Seiler made a motion to include in the Notice of Open Meeting portion of the minutes the date the publication was printed and which statewide publication the notice was printed in as this is required in the Open Meetings Act.

Board Member Weverka made a motion to accept the meeting minutes as amended. Dr. Ray seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

G. CHAIRPERSON OF THE BOARD'S REPORT

1. Kelsey Cruz, Public Information Officer, presented the 2018 Annual Report. Dr. Seiler made a motion to accept the 2017 Annual Report as presented. Board Member Weverka seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

2. Executive Director Wyvill presented an Interpreter Review Board (IRB) application for Richard McCowin. Mr. Wyvill also noted that there are two seats that will be open in June as well. Dr. Seiler stated he has worked with Mr. McCowin on the Board for the Nebraska Association of the Deaf (NeAD) and considers him a good person. Board Member Weverka made a motion to accept Richard McCowin's application and to be on the IRB. Board Member Arteaga seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

3. Chairperson Propp informed the Board that the QAST Taskforce has met several times and that changes will need to be made to Title 96. The IRB has given approval of these changes. After Barb Woodhead explains the recommended changes, an approval from the Full Board will be requested.

Ms. Woodhead was invited to address the Board. She stated that, pursuant to the Board action at the December 8, 2017 board meeting, NCDHH will no longer offer QAST as a certification tool/test effective May 31, 2018. For interpreters who do not complete their CEUs due to catastrophic purposes it is recommended to give them 60 days to earn their CEUs. For an interpreter who did not submit the paperwork for their CEUs but has the CEUs completed, that interpreter will have 30 days to submit the paperwork.

For interpreters that receive certification through May 31, 2018 and/or their current QAST certification expires between now and June 30, 2019, their current QAST will

be extended until June 30, 2019 to coincide with the interpreter licensure CEU cycle. QAST CEU cycles will now be the same as the licensure cycle.

The next recommendation is regarding interpreters who hold level III for their QAST Certification. It was discussed by the IRB that QAST Level III holders do not have sufficient skill to hold a permanent certification. Ms. Woodhead stated that it is being recommended for QAST Level III holder's that do not increase their QAST Level to a IV or V by May 31, 2018 to extend their certification to June 30, 2019 to allow that holder adequate time to obtain national certification.

The last recommendation is that the QAST CEU cycle and the Licensure CEU Cycle should be melded.

Crystal Pierce, NeRID President, asked to be recognized at this point. She discussed concerns that QAST will no longer be offered. Ms. Pierce stated that there is concern that individuals graduating from an interpreter preparation program will not be able to obtain a national certification immediately after graduating. There needed to be a type of temporary provision for these individuals to gain experience between graduating and taking a national certification. Dr. Seiler stated that the QAST Taskforce has recognized the comments that Ms. Pierce has made and stated that a provisional license has been discussed and will continue to be discussed at future meetings to address this concern. Dr. Seiler made a motion to accept the six recommendations from the QAST Taskforce. Board Member Weverka seconded the motion. The motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

Break 9:50-10:05

4. Tawny Holmes, Education Policy Counsel for the National Association of the Deaf was invited to share with the NCDHH Board about the LEAD-K campaign. Ms. Holmes joined the board meeting via videoconferencing call. She opened by giving a history of educational concerns for deaf and hard of hearing children. During her presentation, she stated that there is a national campaign to encourage states to pass a bill requiring English and American Sign Language benchmarks for deaf and hard of hearing children between the ages of 0 and 5 years old. The campaign, called LEAD-K (Language Equity and Acquisition for the Deaf -Kids/Kindergarten, has prompted several states to pass laws requiring the establishment and documentation of these benchmarks. Ms. Holmes shared some statistics such as that children are entering kindergarten without kindergarten-ready skills. She noted that Dr. Seiler is leading such an effort in Nebraska. Children who enter kindergarten already behind in academic skills are projected to be further behind by age 18 years old.

Ms. Holmes invited questions from the Board. Dr. Brennan asked several questions and stated he was concerned about the LEAD-K “talking points” sheet. He felt that the sheet and what Ms. Holmes was not consistent. Ms. Holmes reiterated that the LEAD-K is a campaign established by another organization and that the National Association of the Deaf was supporting state associations’ efforts to create a strong educational start for the deaf and hard of hearing children. Other board members asked clarifying questions. Chairwoman Propp thanked Ms. Holmes for her time.

After some discussion by board members present, it was decided to take action on the request to add support for LEAD-K (Nebraska Association of the Deaf) at the June Board meeting.

5. Chairperson Propp stated that additional interpreters have been requested to be added to the Board Approved List. Board Member Arteaga made a motion to approve Frances Beurivage and Jamy Elker to the approved list of interpreters. Board Member Weverka seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

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. Ms. Olsen shared that there were announcements of a 1% budget reduction for the agency. However; after Executive Director Wyvill’s testimony to the Legislature, the senators voted to allow NCDHH to keep our current appropriations. Ms. Olsen also informed the Board the language in the current appropriation is that NCDHH could keep \$100,000 of re-appropriation. However, due to prior year’s expenditures’, there was not \$100,000 to re-appropriate. NCDHH’s total appropriation was \$1,059,000 with total expenses after encumbrances totaling \$996,198 leaving \$63,238.37 for re-appropriation.
2. Ms. Olsen reminded the Board if they have not completed their Statement of Financial Interest for the Accountability and Disclosure Commission they needed to do so as soon as possible.

I. LEGISLATIVE REPORT

1. State

Executive Director Wyvill stated the legislative report is updated and is merely informational. Regarding the federal level, the House of Representatives advanced the ADA Notification Bill which basically is another procedural hoop for people with disabilities to sue under the ADA. They have to now write a letter notifying the individuals before they can sue them. In conversations with the legislative committee and the Executive Committee, NCDHH sent a letter in opposition in the same language along with what the National Association of the Deaf did on a national level. Nebraska Congressman Fortenberry voted no on the ADA bill, so we're grateful to him for that. Representative Schmidt and Bacon voted for the bill. Executive Director Wyvill made a request to meet with Representative Bacon. Dr. Seiler asked to be a part of that meeting. We'll wait to get some feedback from their office.

Executive Director Wyvill gave an update regarding the State level and began by informing the Board the Appropriations Committee has voted to restore the funding on the main budget bill today.

In terms of other legislation, Carly Weyers testified for LB 801 which is the Panhandle Beginning Act supporting the provision of mental health services in the panhandle. Senator Skinner, the Chair of the Appropriations Committee was pushing for that legislation, so we were happy to provide support for that bill.

The Occupational Board Reform Act has some language in the previous one so NCDHH raised concern with the sponsor of the bill, and Mr. Wyvill stated he believes there are some amendments that are being proposed that will alleviate the concern about how that bill would impact Deaf and Hard of Hearing residents in Nebraska.

Board Member Weverka testified in favor of LB 993 which is the text to 911 legislation which is currently pending in the Committee and it is anticipated that this bill will pass.

NCDHH offered neutral testimony for LB783 which recommended to tweak the educational interpreter definition bill. We offered neutral testimony on that, but that's one of which Dr. Seiler had worked with an individual. Director Wyvill stated he had worked with a lawyer named Elizabeth Eyon-Kokda and, as a result, believes there may be collaboration and cooperation and perhaps a very valuable ally moving down the road as NCDHH advocates for communication access in the schools.

It is his opinion that this bill is not going anywhere but it is a great opportunity to impress the legislators that, any legislation affecting deaf and hard of hearing students need to be run by the Commission.

The NEOC has some changes in leadership, and this Board has previously sent a letter in support in adding people with disabilities. Concerning the protective language for the Equal Opportunities Act, the Board is no longer pursuing that, and

will allow the Disability Rights of Nebraska to pursue this in the next legislative session.

Also, the hearing aid insurance legislation is set to run in 2019. Executive Director Wyvill stated that the last item regarding legislation is the updating of the wording in the statues from Hearing Impaired to Deaf or Hard of Hearing.

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 of which 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. NCDHH Out West Report - No discussion was held.
- d. Executive Director Wyvill stated that some of our Facebook highlights are the interpreter workshop, the ADA task force, the Hear U application, and Cheryl Poff being the boss of the month. We also had recognized a Lincoln fire fighter as a boss of the month this month for the smoke alarm program. It had over 3,500 looks.
- e. Carly Weyers, Behavioral Health Coordinator, will be hosting a self-defense workshop for women only April 20th and 21st in Ralston. To participate in this workshop, one must know ASL.
- f. Executive Director Wyvill also informed the Board that Jenny Corum, Education Advocate, will be moving out of state soon. So Natasha Olsen and Carly Weyers will be planning the Education Summit to be held in the fall when Ms. Weyers leaves.
- g. Executive Director Wyvill stated we're looking at the aging demographics in our state, and pointed out how the population is shifting in the three main counties of Douglas, Lancaster, and Sarpy as well as Lincoln and other areas and that may be impacting how we align our services. The registry information starts 1980 and goes through 2017.

K. INTERPRETER PROGRAM REPORT

1. Pamela Duncan, Interpreter Program Coordinator, reminded the Board about the Creating Connections conference coming up this Saturday and Sunday, March 17 and 18. Marvin Miller will be presenting Saturday on Allies in Deafhood, and then on Sunday in the morning session is Kim Davis presenting on Interpreting for Highly Visual Communicators and Corey Axelrod presenting on Why Accessibility Matters - Moving Beyond Accommodations in the afternoon.
2. Executive Director Wyvill stated that Natasha Olsen has met with Nebraska Interactive to receive a quote to update the referral program. Nebraska Interactive gave a rough estimate of \$75,000 to completely redo the program with \$14,000 per year for maintenance. As reported earlier there is \$63,000 of re-appropriation money for this project and with additional meetings will get a more accurate quote. Dr. Seiler made a motion to approve NCDHH staff to continue to investigate and pursue options to address and fix the current referral program up to \$5,000 and any options exceeding that to be presented at the June board meeting. Board Member Weverka seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, and Seiler voting aye.

Lunch served at 11:30 a.m.

L. NEW BUSINESS

Executive Director Wyvill stated that he would like approval to send the following staff out of state for conference:

- Pamela Duncan to Austin, TX for CLEAR Investigator Training April 9-11, 2018,
- John Wyvill to Minneapolis, MN June 21-24 for HLAA and Hartford, CT for NAD July 3-7,
- Brittney Isom to Scottsdale, AZ for AG Bell June 28-30,
- Teresa Hevner to Hartford, CT July 3-7 for NAD,
- Natasha Olsen to the Society of Human Resource Management Conference in Chicago June 17-20.
- Carly Weyers to the NAD Conference in Hartford, however; the expenses will be paid from another source.
- Kim Davis to the National Deaf Center on Postsecondary Outcomes Conference in Austin, TX June 4-7 with her expenses possibly paid by another entity.

Board Member Arteaga made a motion to accept all out of state travel requests. Board Member Weverka seconded the motion. The motion carried with Propp, Arteaga, Brennan, Schutt, Fitzpatrick, Ray, Weverka, and Turk voting aye.

M. SUBCOMMITTEE UPDATES

No discussion was held.

PUBLIC COMMENT

Karen Weverka, Barb Woodhead and Crystal Pierce were in attendance.

As noted in the minutes above, Barbara Woodhead and Crystal Pierce gave comments. Karen Weverka shared her concerns about a deaf person having very little access to internet and thus not being able to use video phone for either personal calls or emergency calls.

Q. ADJOURN

Dr. Ray made a motion to adjourn the March 9, 2018 board meeting at 1:08 p.m. There being no quorum for the motion, the meeting adjourned by consensus.

These minutes were available for public inspection on March 21, 2018 in compliance with Nebraska Statute §84-1413 (5).