

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

**June 8, 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 June 8, 2018, at 8:32 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 June 1, 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 is available for the duration of the meeting.

**C. ROLL CALL**

For the record, Board Members Margie Propp, Norm Weverka, Dr. Marc Brennan, Candice Arteaga, Diane Schutt, Dr. Pete Seiler and Dr. Frank Turk were present. Dr. Stacie Ray arrived at 8:35 a.m. and Jeremy Fitzpatrick arrived at 8:37 a.m. Also present were John Wyvill, Executive Director; Pamela Duncan, Interpreter Program Coordinator; Natasha Olsen, Business Manager; Jenny Corum, Education Advocate; and Teresa Hevner, Advocacy Specialist. 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**

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

#### **F. ACCEPTANCE OF MINUTES**

1. Chairperson Propp asked for any additions or corrections to the March 8, 2018 minutes. Board Member Weverka made a motion to accept the minutes as presented. Dr. Ray seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

#### **G. CHAIRPERSON OF THE BOARD'S REPORT**

1. Chairperson Propp stated the QAST Task force held their final meeting and provided recommendations regarding the referral program. A survey was distributed to sign language interpreters and their feedback was used to develop the final recommendations.
2. Chairperson Propp updated the Board on a meeting that she and Board Member Seiler attended with the President of the Nebraska State Board of Education, John Witzell. The purpose of the meeting was to share the concerns of the NCDHH and Nebraska Association of the Deaf (NeAD) regarding the recent appointment of the Statewide Liaison for the Regional Programs for Students Who are Deaf or Hard of Hearing. In addition, the hiring of a new Deputy Director for Vocational Rehabilitation was brought into the discussion. The concerns related to both positions went to the inability of people who are disabled and, specifically those who are deaf or hard of hearing to apply for these positions. Chairperson Propp and Board Member Seiler asked President Witzell to modify the board policies regarding the hiring of persons for these two positions so that a nationwide search can be conducted to select the best and most qualified persons. In particular, the policy for the number of days for advertising the positions should be lengthened from a few days to two or more weeks. It was stressed that the quality and appropriateness of the two individuals hired are not questioned; only the fair opportunity for deaf and hard of hearing people to apply and present themselves as viable candidates for consideration. The meeting ended with President Witzell stating that he has taken notes and feels he understood the position of both NCDHH and NeAD. He further promised to share these notes with the State Board of Education members at the next board meeting.

3. Pursuant to the annual election of Board Officers, Chairperson Propp opened the floor for nominations for the Chairperson seat. Board Member Arteaga nominated Board Member Fitzpatrick. Dr. Seiler nominated Dr. Ray and Dr. Ray nominated Board Member Arteaga. Using a paper vote, Board Member Fitzpatrick was vote as the new Chairperson.  
Dr. Seiler nominated Board Member Arteaga as Vice Chairperson. With no other nominations, Ms. Arteaga was selected by acclamation. Dr. Ray nominated Dr. Seiler to remain as Secretary; and he was also selected by acclamation.
2. Executive Director Wyvill presented an application for the TRS Advisory Committee from Jerry Siders. Dr. Seiler made a motion to accept Jerry Siders for the TRS Advisory Committee and Board Member Fitzpatrick seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.
3. Executive Director Wyvill informed the Board there is one seat opening on the Interpreter Review Board “IRB” and Bethany Koubsky is eligible for one more term and has re-applied. Applications were also received from Thomas Beyer and Arica Carlson. Thomas Beyer is the past president of NeRID as well as a licensed interpreter in Nebraska. Ms. Carlson is an Education Interpreter with the Lincoln Public Schools and does not currently hold an interpreter license. Pamela Duncan stated that the IRB by-laws state the interpreter must hold a license or receive a license in their first year of being appointed. Chairperson Propp called for board action. Board Member Weverka moved to accept Thomas Beyer to fill the current vacancy on the Interpreter Review Board. This was seconded by Board Member Arteaga. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.
4. Lunch served at 11:30 a.m. Board Members and staff watched a video entitled, The Silent Child. Discussion of the video followed.

Dr. Ray left the meeting at noon.

Board Member Brennan left the meeting at 12:30.

## **H. BUSINESS AND HUMAN RESOURCE REPORT**

1. Natasha Olsen, Business Manager, informed the Board that there have been no unexpected expenditures to date. Travel expenses have gone up from the out of state travel that was approved at the March meeting.

2. Ms. Olsen presented the staff recommendations for the 2019-2021 budget request. The recommendation is to maintain for two years the current baseline budget of \$1,003,151. It is also recommended to request an increase in the Commission's cash appropriations from \$16,600 to \$30,000 to cover expenses from the workshops the Interpreter Program Coordinator has put together in addition to funding a grant for providing hearing aids to children between the ages of 0 and 19 years in the amount of \$100,000. The total recommended request is \$1,133,151.
3. The previous audit report (2012) was presented to the Board for their review. Ms. Olsen stated that she and the staff have reviewed the report and are prepared to the best of their ability for the next audit. The inclusion of this audit report in the board packet was an opportunity for newer board member to have a better understanding of what is reviewed during an agency audit.
4. Ms. Olsen informed the Board she is currently creating an ADA Agency Evaluation checklist for the Commission.

## **I. LEGISLATIVE REPORT**

1. Executive Director Wyvill stated we have to submit our two-year budget proposal in September in order to be considered in January, 2019. The budget request is asking to maintain the current base budget level for the next two years and NCDHH will be requesting the approval to keep for any unspent appropriations from the previous fiscal year. Secondly, NCDHH wants to request the authority to spend money from the interpreter funds for interpreter-related activities and, finally, NCDHH wants to establish a grant in which a \$100,000 will be going towards the hearing aid bank to support those individuals in Nebraska that cannot afford hearing aids.
2. NCDHH is also asking the Board to continue efforts to pass hearing aid insurance legislation.
3. Board Member Fitzpatrick made a motion to accept the staff recommendations for the 2019-2021 budget request. Dr. Seiler asked for clarification regarding the \$100,000 for the hearing aid bank money. Executive Director Wyvill stated that it would be cash funds given to the hearing aid bank for the purchase of hearing aid, the fitting of the hearing aids and the associated costs for providing that for those who are eligible for those hearing aids ages 0-21. Discussion on the proposed grant funding followed. Board Member Weverka seconded the motion from Board Member Fitzpatrick regarding the budget. Board Member Fitzpatrick stated that his motion covered only the two-year

budget and not the grant proposal. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

Board Member Fitzpatrick made a motion that the Commission pursue legislation requiring insurance companies to mandate coverage for children's hearing aids. Board Member Weverka seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

Dr. Seiler made a motion, pending approval of the Legislature, to establish a grant program for the purchase of hearing aids for children and to fund that with \$100,000 allocation. Board Member Arteaga seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

## **J. EXECUTIVE DIRECTOR'S REPORT**

1. Executive Director Wyvill reminded the Board that, every two weeks, he sends Chairperson Propp an overview of his activities. Director Wyvill highlighted a few things of which the agency has been working on. Director Wyvill stated the offices next to the Commission offices have become vacant so Ms. Olsen is working with Building Services to re-evaluate the Commission's lease. Teresa Hevner and Executive Director Wyvill have met with staff from CHI in Omaha to discuss concerns with communication for deaf or hard of hearing patients. CHI has invited NCDHH staff do training with their staff. Executive Director Wyvill also stated that he and Heath Focken, NeAD President, had a successful meeting with the Omaha Henry Doorly zoo and accessibility for the IMAX Theater.
2. Executive Director Wyvill reviewed the monthly reports that are completed by all the staff. For all of 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.
3. Western NCDHH Offices Report – No report was given.
4. Kelsey Cruz, Public Information Officer, updated the Board on upcoming events. The annual Salt Dog's baseball game will be held on Wednesday, July 18<sup>th</sup> and a vlog will be made to help promote the event. The zoo event in Omaha will be held in September. The Scottsbluff Advocacy Specialist has been working with several organizations to host a zoo event in the western part of the state. The 2<sup>nd</sup> annual Education Summit will

be held in October. There will also be a health and fitness event in September with a deaf personal trainer.

5. Behavioral Health Report – No report was given.
6. Jenny Corum, Education Advocate, stated that the date for the health and fitness event is Saturday, September 8<sup>th</sup> and will have a morning and afternoon session. The Regional Programs have been working with NCDHH to coordinate this event. The Education Summit will be a two day event this year. Dr. Beth Benedict will be the presenter Friday evening and Corey Axelrod will present on Saturday.

#### **K. INTERPRETER PROGRAM REPORT**

1. Pamela Duncan, Interpreter Program Coordinator, updated the Board about the final days of the QAST testings. There were two town hall meetings held to update the community and answer questions regarding the changes with QAST. The meetings were held in Lincoln and Omaha. There are currently 33 tests that are awaiting to be evaluated. Ms. Duncan also stated there are currently 110 licensed interpreters in the State of Nebraska. Since the last board meeting, the Creating Connections Workshop was held and there were 33 attendees on Saturday and 22 attendees on Sunday. The dates for the next workshop have been tentatively set for 2019 and more details will be given soon. Ms. Duncan also stated that a written cancellation policy has been put into effect for interpreters when cancelling assignments.
2. In the matter of NCDHH serving as a CMP sponsor, Ms. Duncan informed the Board that, after much research regarding charging a fee for continuing education units (“CEU”) for interpreters, that a statute was found requiring that NCDHH shall charge for such service. The recommendation is that \$10 be charged for PINRAs and Academic Studies. The fee for a conference and each breakout session at the conference would be \$15. Chairperson Propp requested that staff tracks expenses regarding the time staff take to process the paperwork and expenses related to being a CMP Sponsor. Dr. Seiler made a motion to accept the fee schedule as presented and provide a report to the Board in June of 2019 of expenses incurred in being a CMP sponsor. Board Member Arteaga seconded the motion. With no further discussion, the motion carried with Propp, Arteaga, Brennan, Ray, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.
3. Board Member Arteaga moved that the Board shall go into closed session for the purpose of reviewing interpreter-related complaints. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Board Member

Weverka seconded the motion. The motion carried with Propp, Arteaga, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye. The executive session began at 1:26 PM

Board Member Arteaga moved to come out of closed session at 3:02 p.m. Board Member Weverka seconded the motion. The motion carried with Propp, Arteaga, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

4. Dr. Seiler made a motion regarding complaint numbers 2504 and 2505. The NCDHH Board of Directors affirms the recommendations of the Interpreter Review Board for a one-year suspension of licensure and the requirement for ethics training following the Code of Professional Conduct (CPC) sections: CPC 1, CPC 2, CPC 3, CPC 3.5, CPC 4.1, CPC 4.2, CPC 4.3 and CPC 6.0. The motion was seconded by Dr. Turk. The motion carried with Propp, Arteaga, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.
5. Natasha Olsen, Business Manager, stated she received a quote from Nebraska Interactive regarding upgrading of the Interpreter Referral computer program. After several meetings showing their staff our current system and the work around that we do to make the system work for us, they have quoted \$45,797 to rebuild the system and a \$9,159 annual maintenance fee. By bringing the program up to date with a new system NCDHH will achieve better and more functionality to run reports. Board Member Fitzpatrick made a motion to approve the expenditure to update the interpreter referral program. Board Member Weverka seconded the motion. The motion carried with Propp, Arteaga, Weverka, Turk, Schutt, Fitzpatrick and Seiler voting aye.

#### **L. NEW BUSINESS**

No discussion was held.

#### **M. OLD BUSINESS**

1. LEAD-K: This discussion was held before lunch due to two board members that needed to leave at noon but requested to be present during this topic. Dr. Seiler led this discussion. Opening with an explanation that LEAD-K is an acronym for Language Equality and Acquisition for Deaf Kids, Dr. Seiler indicated that research studies over the years consistently have shown that deaf and hard of hearing children have suffered from language deprivation and/or delays between the ages of 0 to 5 years old. This is the main cause of many of these children's struggles with reading, writing, academic learning and socialization. The focus of LEAD-K is to promote language equality and to advocate for deaf and hard of hearing children to have access to both American Sign Language and English. After citing some research studies and articles including a comment by Governor Ricketts about the poor academic results of third graders in the

state of Nebraska, he stated that the Nebraska Association of the Deaf felt there was neither concerted efforts to check the language milestone of these children nor any attempt to remediate any delays in those language milestones. That is the reason we are seeing the deaf and hard of hearing children entering Kindergarten unprepared for academic work. After the explanation of rationale for the LEAD-K, the Board members discussed strategies and options. Dr. Seiler shared that the NeAD wanted to enter a bill requiring establishment of language milestones for American Sign Language and English. Further, the NeAD is hopeful of support and assistance from the NCDHH. Board Member Fitzpatrick made a motion that NCDH be directed to assist Dr. Seiler in focusing on evaluating language acquisition by infant to kindergarten children in ways that we can better do that, including potentially NeAD's efforts and other suggestions from other groups. Board Member Weverka seconded the motion. Dr. Seiler abstained. The motion carried with Propp, Arteaga, Weverka, Turk, Brennan, Ray, Schutt, and Fitzpatrick voting aye.

#### **N. SUBCOMMITTEE UPDATES**

No discussion was held.

#### **O. PUBLIC COMMENT**

Anne McBride and Thomas Beyer were in attendance.

Thomas Beyer spoke to the Board by commending the staff and their due diligence on making decisions. It's obvious the decisions are not made lightly so he appreciates the effort. Mr. Beyer asked Ms. Olsen if NeRID can provide comments regarding the interpreter referral program and what their members would like to see on the public side of it. Mr. Beyer also stated that he is in agreement with NCDHH charging a fee to process CEUs, however; wants the Commission to demonstrate that a profit is not being earned from these fees, as the Commission has not charged these fees in the past. Mr. Beyer also stated that the community of interpreters doesn't necessarily agree with the written cancellation notice policy that was put into effect and that NCDHH put that policy into effect without giving the community interpreters an opportunity to provide their feedback and some interpreters felt they were pressured into signing the policy. Mr. Beyer thanked the Board for their time.

#### **Q. ADJOURN**

Board Member Weverka made a motion to adjourn the June 8, 2018 board meeting Board Member Fitzpatrick seconded the motion. The meeting was adjourned at 3:21 PM.

These minutes are available for public inspection on June 15, 2018 in compliance with Nebraska Statute §84-1413 (5).