

Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
4600 Valley RD, Conference Room A, Lincoln, NE

March 11, 2016 Meeting Minutes

A. OPENING

Chairman Dr. Frank Turk called to order the March 11, 2016 meeting of the Nebraska Commission for the Deaf and Hard of Hearing full commission board meeting at 8:35 a.m. at 4600 Valley RD, Conference Room A in Lincoln, NE.

B. NOTICE OF OPEN MEETING

Dr. Turk announced 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 February 27, 2016 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, Gina Frerichs, Stacie Ray, John Hogue, Carol Lomicky, and Frank Turk were present. Board Member Jeremy Fitzpatrick and Dr. Pete Seiler were absent and excused. Also present were Director, John Wyvill and Business Manager, Natasha Olsen. Interpreters present were Lorelei Waldron and Ben Sparks. 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 Turk 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 Hogue seconded the motion. With no further discussion, the motion carried with Propp, Frerichs, Lomicky, Ray and Turk voting aye.

F. ACCEPTANCE OF MINUTES

Chairman Turk asked for any additions or corrections to the December 11, 2015 minutes. With no further discussion, Board Member Lomicky moved to accept the December 11, 2015 meeting minutes as presented. Board Member Weverka seconded the motion. The motion carried with Propp, Frerichs, Hogue, Ray and Turk voting aye.

G. CHAIRMEN OF THE BOARD'S REPORT

1. Chairman Turk started his report stating that NCDHH continues to shine. Board Member Propp has been re-appointed to the Board for three more years and Dr. Pete Seiler has been added to our Board "family." The E-Communicator features an article written by the Director from the Missouri Commission for the Deaf and Hard of Hearing. Dr. Turk stated the Missouri Director is impressed with NCDHH and how we collaborate with other agencies and organizations. Dr. Turk mentioned that Linsay Darnall, Jr. will be here to talk about future leaders in deaf America and Jr. NaD. One of the members is Isabella Graves. Ms. Graves is a junior at Seward High School and has been selected as the Miss Junior National Association of the Deaf Ambassador.
2. Director Wyvill explained that there was confusion where the meeting was taking place today Linsay Darnall, Jr. is at the Omaha office. Mr. Darnall will make an appearance later in the meeting. Linsay Darnall, Jr. presented at 10:10 a.m. regarding Jr. NAD with Rachel, who is a member of the Nebraska/Iowa Chapter. Rachel presented on the different fundraisers Jr NAD is hosting. Jr. NAD has been selected to host the national conference in November 2017 in Omaha. Rachel invited NCDHH to have a booth at the conference and asked the Board to help Jr. NAD promote their fund raising and promote the national conference.
3. Director Wyvill introduced Teresa Coonts and Rhonda Fleischer from the Nebraska Department of Education (NDE). Ms. Fleischer is the State Liaison for children who are deaf or hard of hearing programs. Ms. Fleischer is located in the ESU 9 office in Hastings. Ms. Coonts is an Education Specialist and oversees the programs for low incidence disabilities. This program includes regional programs for deafness, hard of hearing, visually impaired, deaf/blind, and also the autism spectrum disorder group. Ms. Coonts stated they had a short presentation to give that will talk about the overview of the Department of Education and Ms. Fleischer will talk more about the regional programs.

Ms. Coonts started the conversation with Rule 51. Rule 51 is the regulation for special education and includes the update for educational interpreters. Ms. Coonts explained that over the last year and a half a committee has worked together on the language for the amendment. She updated the Board regarding the status of Rule 51. The Attorney General's office has finished their review and it is now at the Governor's office for

review. Ms. Coonts also added that there was no way to predict how long it would be before it would be officially released to the public. Ms. Fleischer added that the start of changing Rule 51 started with NCDHH and the legislative resolution to research educational interpreters. They appreciate working with the Commission and all the stakeholders in order to try and improve services for students who are deaf or hard of hearing and the quality of interpreters they have. In addition to Rule 51, the committee worked on a technical assistance document. It was agreed the same committee would work on both documents and Board Member Propp is part of this committee. The technical assistance document was created many years ago so the committee has been given a task to come with input regarding revisions for the document.

Ms. Coonts moved on to discuss the structure of the Department of Education. The Department of Education oversees the education for all students, birth through life because vocational rehab is within the Department of Education. The office of Early Childhood covers all early childhood, even those with disabilities. The Department of Assessment covers every child, accreditation, and school improvement. The Office of Special Education has two regional offices and a Scottsbluff office. The Scottsbluff office has two people and is located with Vocational Rehab. Ms. Coonts explained that special education falls under Rule 51 among other rules and regulations and reminded everyone in attendance of a change that took place a year and a half to two years ago. In the past, Rule 51 was for infants to age 21. Now Rule 51 covers children who are three years old to 21 years of age and Rule 52 was created to cover for infants and toddlers. Ms. Coonts went on to explain that this change happened because of the federal regulations that have changed and to address needs effectively a new rule needed to be created specific to early intervention.

Board Member Weverka brought to light a concern from a deaf parent in the Omaha area and their child's IEP. Ms. Coonts explained how a complaint can be filed regarding similar situations. It is recommended first to request an IEP meeting and reminded everyone parents can request an IEP meeting at any time. The second option would be to meet with the local special education director if there is concern the IEP is not being followed. If the parents still have concerns, the third option would be to contact the Department of Education. After contacting the Department of Education, if the parents still feel the problem has not been resolved, Ms. Coonts explained that a written complaint would then be presented in writing and that is their legal right.

Break from 9:50 a.m. to 10:05 a.m.

4. Director Wyvill stated the 2015 Annual Report is complete and a copy has been included in the board meeting packet. This report is shared with the Governor's office

as well as other stakeholders. Dr. Lomicky commended the staff that worked on this report. She stated it really is an outstanding presentation of the work NCDHH did in 2015. Dr. Lomicky made a motion to accept the 2015 Annual Report. Dr. Ray seconded the motion. The motion carried with Propp, Frerichs, Hogue, Weverka, and Dr. Turk voting aye.

5. Director Wyvill requested the Board approve a formal resolution commending the Lincoln Association for the Deaf as they are celebrating 90 years as a social local organization on March 19. Board Member Propp made a motion to accept the proposal for the resolution. Board Member Hogue seconded the motion and the motion carried with Dr. Lomicky, Dr. Ray, Weverka, and Dr. Turk voting aye.
6. The NCDHH Board by state statute is required to appoint members to the Telecommunications Relay Service Advisory Committee. There has been a vacancy for a long time for our hearing member and after advertising for it, a gentleman by the name of Bob Feit submitted an application which is included in the board meeting packet. Director Wyvill spoke to him and he does want to serve on this Board and therefore it is recommended the Board accept his application and appoint him to the TRS Advisory Committee. Board Member Weverka made a motion to appoint Mr. Feit to the TRS Advisory Committee. Board Member Propp seconded the motion. Dr. Lomicky, Frerichs, Hogue, Dr. Ray, and Dr. Turk voted aye.
7. Director Wyvill stated Addendum one lists the professional development that has been requested by employees and at this time is requesting approval for three people to attend out of state conferences. Director Wyvill is first recommending Brittney Graham attend the AG Bell Conference in Denver. Brittney is the Field Rep that works in the Scottsbluff office so this is a good conference for her to attend. Director Wyvill is also recommending that Kim Davis accompany him to the National Association for the Deaf Conference in Phoenix in July. Board Member Weverka made a motion to approve the expenditures for the out of state conferences as presented. Dr. Ray seconded the motion and the motion carried with Propp, Frerichs, Lomicky, Hogue and Turk voting aye.

Director Wyvill asked if there was a board member that wanted to request approval for out of state travel. Dr. Lomicky stated she had interest in traveling to the Hearing Loss Association conference in Washington D.C. this year. Dr. Lomicky explained that she has become a hearing loop advocate in the Kearney area. Dr. Lomicky stated Kearney is probably the most looped city west of Omaha and Lincoln. Dr. Lomicky explained there is no Hearing Loss Association in western Nebraska and it would be beneficial for her to use this opportunity to connect to people and obtain information to assist her in becoming a more effective advocate. Dr. Lomicky also stated she understands this

is her second term on the Board and that will be completed January, therefore; this may not be a good investment for the Commission. Dr. Ray commented and stated it's a perfect investment because when Dr. Lomicky's role is complete on the Board she will continue her efforts to help support the needs of those who can utilize the loop systems and she has become the "go to" person for the area. Dr. Ray proceeded to make the motion for Dr. Lomicky to attend the 2016 HLAA Conference in Washington, D.C. Board Member Weverka seconded the motion and the motion carried with Propp, Lomicky, Frerichs, Hogue and Dr. Turk voting aye.

H. FINANCIAL REPORT

1. Natasha Olsen, the Business Manager for the agency, discussed the NCDHH budget with the Board. Ms. Olsen started by reminding everyone that the statement of financial interest is due by April 1, 2016 and that as a Board Member they are required, by statute, to complete this form. Ms. Olsen proceeded to discuss the budget explaining there are some increased expenses from the last board meeting. Those increases are the new Kearney office and furnishing that office. There has also been an increase in lodging due to the field reps traveling more. Ms. Olsen ended by stating overall the agency is under the budget with the majority of the budget year finished.

I. EXECUTIVE DIRECTOR'S REPORT

1. Director Wyvill explained every two weeks he sends Dr. Turk an overview of his activities. Director Wyvill reviewed a few things that the agency has been working on.
2.
 - a. 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.
 - b. Director Wyvill proceeded to discuss the work that has been done in Scottsbluff since the office has been re-opened. The numbers of the clients served so far was shared with the senator in Scottsbluff who helped get the office re-opened and the Senator is very pleased with the success of the office. Director Wyvill gave an update on the new Kearney office and that there are plans to have an open house in May or June. After the Kearney open house there are plans to travel to the Scottsbluff office and do an open house there as well.
3. Director Wyvill discussed the Lincoln office remodel and that the expense for a full remodel was too much for the agency to take on. The remodel was to make the office space more secure and provide more privacy to the positions that require that level of confidentiality. Director Wyvill explained the reception area still needs to be more

accessible to the clients the Commission serves. The closet in the hallway limits the space in the waiting area and will be removed so there is more space. This will provide more room to our clients that are in wheelchairs when they come to the NCDHH office. Ms. Olsen has been working with building division to coordinate that project and put together a timeline of when the job will be complete. Ms. Olsen is currently waiting on a quote from the contractor.

4. a. Director Wyvill made note of the Commission's largest outreach event, Deaf and Hard of Hearing Awareness Night with the Lincoln Salt Dogs, is going to be on July 13th. The Omaha Zoo event will be held in the fall again as well.

b. Director Wyvill stated that the out of town board meeting is going to be held in O'Neill this year. Mr. Wyvill continued to say that this was a part of the state the Board has not had much of a presence in so everyone is excited for this board meeting.
5. Director Wyvill introduced Mark Schultz from Vocational Rehabilitation (VR). Mr. Schultz explained that one of the first things he did when he started at VR was to focus on VR's values. Those values focus on respect, integrity, and leadership. VR wants to lead but needs to respect and be honest and fair with the things that VR does. Mr. Schultz explained if VR can't provide something, and/or service is not available, then it is VR's job to inform people that. VR should not lead people on and create expectations that are inappropriate. Mr. Schultz stated he is hopeful that VR doing a better job of that. Mr. Schultz and Director Wyvill have been collaborating to change the image of the VR program for individuals who are deaf or hard of hearing because VR had not been doing things to the best of VR's ability and changes have been implemented to fix that. These changes were not made just people who are deaf or hard of hearing but anyone with a disability. Mr. Schultz explained he hopes that people are seeing those changes and if any one works with or has worked with individuals who are reluctant to utilize VR for their services because of a bad experience in the past, recommend they try VR again because things are being done differently now. Also, if the client finds themselves having the same experience Mr. Schultz request they contact him. Mr. Schultz stated his goal is to change and improve the services VR provides and at that time the services should be based on the needs of the individuals that VR serves. Mr. Schultz went on to discuss what VR is doing on the national level. The VR program was reauthorized under legislation called the Workforce Innovation and Opportunities Act, and that act controls what happens in the American job centers. It also makes VR a co-partner. Mr. Schultz stated because of this, VR should be aligning their services with the Department of Labor and other programs for individuals with disabilities so that they're receiving the services that they require or need in the most effective and efficient and timely manner possible. Mr.

Schultz explained that law was passed almost two years ago and as soon as it passed VR was under the law. VR is operating under the law, however; there are currently no rules and regulations. The rules and regulations are expected to be released in June. Mr. Schultz added that there are a couple changes in the law. The first change requires VR to allocate 15% of federal funds for pre-employment transition services and those are services that VR provides to students who are 16 to 21 or 14 to 21 most likely here in Nebraska, and who are under an IEP or a Section 504 plan. So they have a verified disability. Ms. Schultz continued explaining the other focus is businesses. And it clearly says that business is a customer of VR, and that VR will develop services to work with businesses and reach out to them, and not just assist people get jobs but from a business perspective what can they do to better serve individuals with disabilities as customers. Mr. Schultz wrapped up asking if there were any questions. Dr. Lomicky asked if they provide hearing aids for people. Mr. Schultz explained the need has to be employment related and the individual's hearing loss must certain meet criteria in order to qualify. Dr. Ray added she's an audiologist at the University of Nebraska and has referred to VR for many years. Dr. Ray explained if the hearing loss is impacts a person's job, or they need upgraded hearing aids because they are ten years old and they can't afford them, then they are referred VR. The audiologists is then contacted by VR and asked to give a couple of options for what would be appropriate amplification for the client. VR may pay for all of the hearing aids or just part of them, however; if VR pays for a portion of them, then the Medicaid rate is given, so the overall out of pocket expense is significantly less than what it would be for a standard retail. Mr. Schultz added that by rules VR is limited to the Medicaid rate.

6. Director Wyvill gave an update regarding hearing aid coverage for children and adults in Nebraska. Director Wyvill explained that this is an extremely complicated process and part of that comes from the Affordable Care Act. The State of Nebraska chooses from three or four plans and what is considered essential healthcare benefits. Director Wyvill went on to explain that unfortunately none of the current plans include hearing aid coverage in the minimum plans. Ultimately, the federal government has to decide who pays for the additional expenses and ultimately the fiscal impact would be us. Director Wyvill stated there is currently no straight answer being given from CMS. Director Wyvill continued on to explain this ties into the Hearing Aid Bank because it appears very likely that a potential solution to this would be state funding for insurance for the hearing aid bank. A more affordable option may be to provide state dollars to a hearing aid bank for those that cannot afford insurance or hearing aids. In order to do this the eligibility level would need to be increase so it would be more available to the public. An interim study will be completed this summer and Jeremy Fitzpatrick and Dr. Stacie Ray will be provide a report to the legislature by the end of the fall in November or December.

J. LEGISLATIVE REPORT & BUSINESS

1. Director Wyvill gave an update on the federal level. Previously the board voted on three priority items that they wanted to have letters sent to. The first one involved hearing aids for senior adults so that they can carve it out of Social Security and a letter was sent to the congressional delegation of our support. A letter of support was also sent for the Cogswell Act, which is a Deaf Education Act, to our congressional delegation, and a third letter was sent to the VA. The letter sent to the congressional delegation stated there needs to be a focus on hearing health. Director Wyvill stated after conversations in December with the Board we reached out to the head of the VA and got a meeting with him to discuss concerns about the VA and hearing help. This gentleman recommended the Director speak with the head audiologist for the VA. Courtney Richards met with Dr. Ray and a couple other people regarding how the Commission and the VA can collaborate better together for veterans. The VA has also agreed to promote donating unused hearing aids from veterans to the hearing aid banks.
2. Director Wyvill gave an update on legislation at the state level regarding interim study 412 which is captioning for movie theaters. Work groups will be formed this summer to study the question about movie theater captioning and how it can be improved. The goal is to have a report for the legislature which would result in activity in the next legislative session.

The second item discussed by Director Wyvill introduced was Legislative Resolution 463 which was an interim study on hearing aid costs. This resolution was introduced by Senator Campbell.

Director Wyvill updated the board members on LB938. LB938 is legislation that was introduced by Senator Smith regarding text to 911. This bill will be monitored very closely by the Commission. In a meeting with the Public Service Commission, the Public Service Commission recommended that the Board send in a letter of support explaining how important text to 911 is. Director Wyvill went on to explain that AT&T has spoken against the implementation because they do not want states to decide or set regulations on text to 911. NCDHH has stated it does not matter if it is implemented at the federal or state level, it just needs to be implemented.

Director Wyvill discussed the bill that requires driving tests to be conducted in English only. Mr. Wyvill stated the problem with this legislation is because if you are deaf how are you going to understand the English version of the test? After the concern was raised the DMV stated they did not consider people who are deaf or

hard of hearing and the bill was aimed at people who speak Spanish. An amendment was made that will not hinder people who are deaf or hard of hearing taking the written exam and their ability to have an interpreter.

Director Wyvill informed the board members that he was contacted by the Secretary of State requesting the Commission speak in favor of a new study regarding election equipment. Secretary of State Gayle would like to ensure that people who are deaf or hard of hearing has an input as they review new voting processes and procedures.

Director Wyvill mentioned LR432. This legislative resolution allowed Isabella and leaders of the deaf community to come to the State Capitol and meet Governor Ricketts. The resolution was created for Isabella's leadership accomplishments.

Director Wyvill stated that the Commission was requested to write a letter of support for an ADA Coordinator position by Disability Rights Nebraska (DRN). DRN was unable to find a sponsor or appropriations for this position and will work with the Department of Administrative Services to see if this should be addressed through the legislature or internally. DRN has taken the lead on this and the Commission will support them and assist if asked. Dr. Ray commented on Director Wyvill's knowledge of the legislature and because of that a lot of things are occurring.

The Board Members and staff had a working lunch at noon.

K. INTERPRETER PROGRAM REPORT

1. Crystal Pierce, the Interpreter Program Assistant updated the Board Members with a RID update. Ms. Pierce explained RID announced in August that they were going on moratorium for all of their credentialing testing. RID has informed their members they have been losing money from lack of testing in addition to increasing legal costs to prove the validity of their tests. Ms. Pierce stated that RID had a risk assessment completed and have announced they are considering have a limited liability company handle the testing and RID would continue the certification. Ms. Pierce explained this effects NCDHH because interpreters are currently unable to get a national certification. The option to complete the QAST testing or other state testing such as BEI which was developed in Texas are still options Ms. Pierce noted. Board Member Hogue questioned if funding is available to send people to Texas. Ms. Pierce explained they have the choice to complete QAST which is Nebraska's test. Board Member Weverka stated many interpreters start with taking QAST. Board Member Weverka feels it's an effective test because many of the

interpreters who take are QAST are qualified and a great value to Nebraska. Board Member Propp commented that there aren't any options right now. Just the QAST and BEI. Nebraska is fortunate that an extension was granted on QAST, so the Commission can still administer an exam. Ms. Pierce stated the downfall to QAST is additional tests are not available. Board Member Weverka stated we need to invest in the testing system. This is an opportunity for Nebraska to become a leader in testing. Mr. Weverka stated that the deaf community will suffer if qualified interpreters are not working. Director Wyvill stated he will work with Crystal and find out more information regarding BEI and what options there are.

2. NCDHH received a letter from RID and the Commission has successfully completed the academic CEU credit for the audit.
3. Ms. Pierce referenced the Governor's letter in the board packet regarding the approval of the licensure bill that was effective January 1st. The Commission is still educating business regarding the passing of this bill.
4. There are currently 107 licensed interpreters. In that 107, three are VR providers and two are deaf interpreters. That number was in the 70's at this time last year.
5. a. Two members on the Interpreter Review Board (IRB) are up for reappointment. Jerry Siders has reapplied for his second term, and Bethany Koubsky has also applied. Board Member Propp made a motion to reappoint Mr. Siders and Ms. Koubsky to the IRB. Board Member Hogue seconded the motion. The motion carried with Lomicky, Frerichs, Weverka, and Turk voting aye.

b. Ms. Pierce stated that June 1, 2016 there will be two positions open on the IRB. The local government positions will both be open. Board Member Weverka asked if the applicants had to be deaf or hard of hearing. Ms. Pierce replied it does not matter as long as they have knowledge or deaf or hard of hearing.
6. Recently, the Commission has been contacted by the team that evaluates the QAST testing with a fee increase. The current fee for QAST is \$170 and the evaluation team charges \$170 to review the exam. This led the Business Manager, Natasha Olsen to research the costs associated with each exam. After calculating all the expenses that are associated with giving an exam from the room rental fee to the administrative time to process the application, etc. the Commission is losing money. The written test is a \$25 fee to the applicant and the performance test is a \$170 fee for the applicant. The costs to the Commission to complete the written exam is approximately \$30. That includes Ms. Pierce's time preparing and checking

the exam. On the performance test, the evaluation team's fee is \$170. The conference room rental fee \$20 and approximately \$50 for the administrative costs. To summarize the written test costs the Commission about \$30 to offer and the performance test is \$240. The total expenditures are \$270 plus for the Commission to proctor both tests but only brings in \$195 in fees from the applicants. Ms. Olsen stated Frances Beurivage has submitted a letter to the Board explaining why an increase in her fee is essential. Board Member Propp stated the EIPA charges \$335. RID charges \$410 for performance and \$325 for the knowledge. Ms. Propp commented that \$300 seems pretty reasonable to her. Ms. Olsen added that all of the other professions that require a license there is a non-refundable application fee associated with that license. The application fee goes to the administrative costs, what the staff does to process the application, office supplies used, etc. And that's also something the Commission currently doesn't charge. Ms. Olsen stated additional research is being completed to find out the process to raise fees and what approvals need to be done outside of the Commission and a final report will be give at the June board meeting.

L. MARKETING REPORT

1. Kelsey Cruz, Public Information Officer, began by discussing in March the Commission awarded the Isabella a resolution for her outstanding service and becoming a Junior NAD ambassador. Isabella had the opportunity to meet Governor Ricketts with Linsay Darnall, JR, Jonathan Scherling, and Pete Seiler. The Facebook posts regarding Isabella's resolution reached a combined total of 11,000 people.

Ms. Cruz stated filming for the webinar series of the advocacy handbook has begun. Peggy William's just completed hers and it's ready to be viewed on the Commission's YouTube page.

The 2015 Annual Report is completed. Ms. Cruz commented that she wanted the annual report to really show what NCDHH was focused on in 2015 and feels that this report shows how hard everyone has been working.

M. OTHER BUSINESS

1. Ms. Williams started by informing the Board that the Unheard Journey of Deaf Nebraskans has been submitted to NETA which stands for the Nebraska Educational Telecommunications Award. This has been sent to the Nebraska

Broadcasters Award to review and possibly give an award so Ms. Williams is excited for that.

Ms. Williams explained that she has joined a committee that begins next week will. This committee is through the Department of Health & Human Services and the goal is to establish priorities for a state health improvement plan.

2. Ms. Williams is hosting a workshop on April 16. It's going to be held at Lakeside Hospital in Omaha. The workshop is being funded through an Enrichment Foundation Grant and is about access, advocacy and public safety issues for people who are deaf or hard of hearing.

N. SUBCOMMITTEE UPDATES

No discussion.

O. NEW BUSINESS

1. Director Wyvill stated a question has been asked how the Board selects interpreters. Mr. Wyvill is recommended to the Board that a policy be put in place regarding the use of outside interpreters when the Commission has staff interpreters. Board Member Weverka explained he was confused. Director Wyvill stated the Commission has two staff interpreters but also utilizes interpreters from the community. Previous conversations have taken place with Board Members that the staff interpreters would not be used for the Director's performance evaluation, personnel matters or other confidential issues. Lorelei Waldron; a community interpreter, and Crystal Pierce; a staff interpreter, were scheduled to interpret the board meeting today and a concern was raised that Ms. Pierce may not be appropriate to interpret. A referral was opened for two interpreters and one interpreter replied and accepted the job immediately. Then the second one complained that it wasn't fair. Director Wyvill and Natasha Olsen reviewed the current process, discussed the process with the Accountability and Disclosure Commission as well as state accounting and discovered the Board does face vulnerability by not having a process in place when selecting "preferred" interpreters. Board Member Propp stated that when she found out found out that a staff interpreter was interpreting the board meeting she raised the question to Dr. Turk and Dr. Lomicky about whether or not a staff interpreter should be interpreting the board meetings because it is unknown what is going to happen during board meetings. Ms. Propp stated she asked Dr. Turk and Dr. Lomicky's opinion and after that Dr. Turk contacted Director Wyvill to suggest that staff not interpret the board meetings. Ms. Propp stated that Dr. Turk said his preference for interpreters

were Ben Sparks and Sharon Sinkler because Lorelei Waldron was already scheduled to interpret the board meeting. Ms. Propp also stated the question then came up that when there is a preference in interpreters is it who answers first that gets assigned the interpreting job. Natasha Olsen requested to expand on the complaint because she is the person who handled the phone call. Ms. Olsen explained the interpreter request went out to two interpreters because two were requested. When interpreters are requested the agency does not follow the call group order for the referral system. Ms. Olsen explained that interpreter A accepted the assignment then interpreter B called and stated she was more qualified for the assignment than interpreter A. The concern is how interpreter B knew who was requested. Ms. Olsen proceeded to tell the Board Members that that raised a concern because it is taxpayer dollars paying for the interpreters. The Commission needs to due diligence and open up the referral to interpreters qualified to interpret for the Commission. Ms. Olsen gave the example that she is unable buy a Scooter's gift card to give to a staff member for employee recognition because it shows preferential treatment to Scooter's. Ms. Olsen and Director Wyvill agreed it would be best to have a policy created with a list of requirements in addition to their qualification testing. This policy will give more interpreters the opportunity to interpret for the Commission, but give the Commission an opportunity to hire qualified interpreters with the additional skill level that is needed.

Director Wyvill suggested the Dr. Turk, Board Member Weverka, and Dr. Seiler create a list of qualifications interpreters need to interpret for the Commission. Board Member Weverka suggested that a hearing person be on the committee. Director Wyvill reminded the Board that if there are more than three members the Commission will need to go to the Attorney General's office because it is then Freedom of Information Act and it's a larger meeting. Dr. Turk agreed that a policy needed developed to protect the Commission.

P. ADJOURN

Board Member Propp made a motion to adjourn the March 11, 2016 board meeting at 2:12 p.m. Board Member Hogue seconded the motion with Frerichs, Weverka, and Turk voting aye.

These minutes were available for public inspection on March 25, 2016, in compliance with Nebraska Statute §84-1413 (5).