

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

**September 13, 2019 Meeting Minutes**

**A. Opening**

Chairperson Jeremy Fitzpatrick called to order the meeting of the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) full commission board meeting on September 13, 2019, at 8:33 a.m. at 4600 Valley Road, Conference Room 1 in Lincoln, Nebraska.

**B. Notice of Open Meeting**

Chairperson Fitzpatrick 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 September 6, 2019 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 Ms. Candice Arteaga, Ms. Frances Beurivage, Dr. Marc Brennan, Mr. Jeremy Fitzpatrick, Dr. Stacie Ray, Ms. Diane Schutt, Dr. Frank Turk and Mr. Norman Weverka all present. Ms. Sandra Shaw, is absent. NCDHH Staff members present are Mr. John Wyvill, Executive Director; Ms. Stephanie DeGroot, Business Manager and Ms. Sharon Sinkler, Interpreter Program Coordinator. Interpreters present were Mr. Ben Sparks and Ms. Lorelei Waldron. Ms. Marcy Benge providing CART services.

**D. Review of Agenda**

Executive Director Wyvill reviewed the agenda with the Board Members.

**E. Acceptance of Agenda**

Chairperson Fitzpatrick 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 Mr. Norman Weverka moved to accept the agenda as written. Board Member Dr. Stacie Ray seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms.

Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent

Chairperson Fitzpatrick had a procedural request for the meeting today. If you could identify yourself before you speak today, this will assist in accurate reporting in the CART transcript.

**F. Acceptance of Minutes**

Chairperson Fitzpatrick asked for changes or corrections to the June 14, 2019 meeting minutes.

Board Member, Ms. Candice Arteaga, moved to accept the minutes as written. Board Member Dr. Frank Turk seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent

**G. Chairperson of the Board Report**

**1. Chairperson's report**

Chairperson Fitzpatrick shared at the previous meeting the board discussed the interest focusing our efforts in transitions, particularly out of high school, and college. As a part of that discussion we have invited, Ms. Linda Foley, Nebraska Vocational Rehabilitation (VR) Director and Ms. Barbara Woodhead, who is involved with the Nebraska Department of Education Transition Team.

**2. Ms. Linda Foley, Nebraska Vocational Rehabilitation (VR) Director**

Chairperson Fitzpatrick introduced Ms. Linda Foley.

Ms. Foley shared that Nebraska VR is the lead agency in assisting adults and students with disabilities prepare for, find and keep employment. VR has to allocate 15% of their overall budget to work with students with disabilities, this process can start as early as age 14, typically it is age 16 that they start working with the students. This is a national directive for VR. Ms. Foley outlined various items that the staff at VR do with the high school students and the number of individuals that they are currently assisting. Noting that they also focus on self-advocacy, so that the students are prepared for further scenarios in their career path. VR also takes great pride in not only working with the students, but also the various businesses that they work with to employ these students.

Ms. Foley also shared that VR has implemented an order of selection for adults needing assistance, which means that they are not able to readily serve each person who comes through their door. These individuals are put on a waiting list to be assisted in the future. Adding that in the past year and a half, VR has served 47 adults, most of these cases are for hearing aids. Ms. Foley discussed VR's funding, and that they will receive additional federal funding that will allow

them to take 1,000 adults off of the waiting list on October 1, 2019.

Conversation with the board members on questions given to Ms. Foley. The topic of how the funding is utilized between the clients needing assistance with what type of schooling they receive. Discussion about the certificate programs that Nebraska VR works with, Ms. Foley added that she could add a link to their website outlining these. Dr. Turk added that NCDHH can assist VR with deaf role models when they have a need for them.

Ms. Foley thanked the members for their time and encouraged them to reach out if they had any further needs in the future.

**3. Ms. Barbara Woodhead, Assistant Director for Services for Students with Disabilities at the University of Nebraska Lincoln**

Ms Woodhead introduced herself to the group. She is employed with the University of Nebraska Lincoln (UNL) as the Assistant Director for Services for Students with Disabilities. In addition, she is a certified sign language interpreter, she served on the NCDHH Board from 2001 to 2007, and she was on the Interpreter Review Board (IRB) from 2007 to 2013.

Ms. Woodhead shared that she serves on the Nebraska Department of Education Transition Team. This team was responsible for writing the request for proposal for the summer summit that VR approved and held this past summer. The three-day intensive summit included a pre and post assessment for the high school students. The topics addressed were work readiness and college readiness, the 14 - 16 students that were taking part in the summit visited workplaces, and also participated in mock interviews.

Ms Woodhead also shared what she is seeing at the University level at UNL. Currently there are 3 – 4 students who communicate by sign language, the others have cochlear implants or hearing aids. Ms. Woodhead works directly with Barkley Memorial Center to assisting the incoming students with their needs.

Conversation with the board members and Ms. Woodhead on the what lies ahead for assisting the deaf and hard of hearing students attending UNL. Ms. Woodhead shared that UNL has 17 self-identified deaf or hard of hearing students enrolled. Members of the board thanked Ms. Woodhead for attending and asked that she notify NCDHH if she has any needs that we can assist with.

A five minute break was taken.

#### **4. Public Comments**

No public comments at this time.

#### **5. NCDHH Rules and Regulations**

Chairperson Fitzpatrick shared that they were going to combine the Rules and Regulations and the Overview of grievance / licensure process for interpreter licensure matters into one.

Director Wyvill gave a brief overview of the rule making process. The goal of the board is to embark on a journey of informal rule making process, as well as formal rule making which means the intent is to bring a consent document to the board to the extent it is possible before it going into the formal rule making process. Working in conjunction with the IRB, there was a rules and regulation committee was formed with the following members that included Dr. Peter Seiler, Ms. Frances Beurivage, Ms. Peggy Williams, Ms. Judy Gouldsmith and from NCDHH was Ms. Sharon Sinkler and Ms. Traci Cooney. This committee had five meetings, after these meetings were over the committee presented a document to the IRB which then made its way to the full commission board. A Public Hearing was held on August 16, 2019, individuals had the opportunity to comment from June 24<sup>th</sup> to August 16<sup>th</sup>. There was ten individuals at the public hearing, two of them were NCDHH staff, two were from the IRB, we had a member of the NCDHH team submit a public comment in a personal capacity, and then there was five other in attendance. The public comments were written up in draft format and presented to the IRB last Friday, September 6<sup>th</sup> at their quarterly meeting. At that meeting, the IRB voted to inform the full board that they need more time to develop the suggested language changes to the rules and regulations based on the public hearing comments. The three issues that need to be addressed are 1) the gap issue with elimination of the Quality Assurance Screening Test (QAST) 3; 2) the possibility of Educational Interpreter Performance Assessment (EIPA) interpreters being licensed community interpreters and 3) there is some confusion on our licensure complaint process. Director Wyvill noted that it is the recommendation of our staff and the IRB that we go back to those issues that can be addressed and provide more clarity.

Director Wyvill also shared with the group regarding the licensure complaint process. One individual shared that they don't have a voice in the process in the licensure complaint process. The licensure complaint process breaks down into two different components, formal and informal. Director Wyvill shared with the members of the board the step by step process. In terms of saying that there is no voice in the process, Director Wyvill added that we disagree. Ms. Crystal Pierce, President with Nebraska Registry of Interpreters for the Deaf (neRID) also expressed the concern about the regulations and the need for clarity in terms of guidance for interpreters that have to go through the license process. NCDHH is

in agreement with Ms. Pierce's comments and appreciate her bringing those to our attention.

Chairperson Fitzpatrick clarified that in the board packet, section G. 5. these could be acted on today. The IRB is asking for additional time to work on them before the board considers them.

Board Member Mr. Weverka made the motion to refer the Rules and Regulations back to the IRB, and then to the Full Board can review and finalize. Dr. Staci Ray seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent

Chairperson Fitzpatrick opened up the meeting for individuals who are in attendance to share their comments. Chairperson Fitzpatrick added in his own review of the document that there are not specific regulations regarding the informal investigation that occurs. Conversation between the board members, and the individuals in attendance regarding the Rules and Regulations and also the Overview of grievance / licensure process for interpreter licensure matters.

The following people came forward and spoke regarding the Rules and Regulations:

- Ms. Barbara Woodhead suggested that the licensing of sign language interpreters should be moved under Department of Health and Human Services (DHHS).
- Ms. Peggy Williams shared that we need to have a clear division of what the complaint process is and what the grievance process is.
- Ms. Crystal Pierce added that moving the licensure to DHHS would be beneficial in giving the sign language interpreter an advocate to assist them in this process.

Chairperson Fitzpatrick shared with the group that if the IRB considers moving the sign language licensure under DHHS that they develop a formal document evidencing what the best practices are to support such a change. Chairperson Fitzpatrick suggested to Director Wyvill that NCDHH have a Town Hall Meeting with the sign language interpreters outlining the process that is outlined.

Board Member Ms. Frances Beaurivage asked for clarification for when is a complaint considered a valid complaint? Commenting that DHHS has a process where a complaint can be determined as unfounded. We as the Commission have the responsibility to ensure that our process is clean and that it follows best practices. Ms. Beaurivage added that now is a good time for the IRB to review

this.

Ms. Beurivage asked Director Wyvill for clarification on the NCDHH web page for where an individual goes to file a complaint. The web page has listed a grievance process only. Director Wyvill replied with the chain of command for the complaint process, and that a deaf individual wanting to file a complaint usually has to call, e-mail, or contact Ms. Sharon Sinkler, Interpreter Program Coordinator. Ms. Beurivage add that NCDHH needs to have something transparent on the website that clearly outlines the steps for a deaf individual filing a grievance, and also the steps for the sign language interpreter involved.

Conversation between the members on if moving the licensure of sign language interpreters to DHHS would be beneficial or not.

Board Member Mr. Norman Weverka made the motion to refer the Rules and Regulations aback to the Interpreter Review Board (IRB) for review and changes needed. Board Member Ms. Frances Beurivage seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent

## **6. Overview of grievance / licensure process for interpreter licensure matters**

This part of the meeting was included in G.5.

## **7. NCDHH Interpreter Referral Program**

Director Wyvill shared that one of the recommendations of the group, Council of Organizations Serving Deaf and Hard of Hearing was for NCDHH to get out of the Interpreter Referral business, stating a conflict of interest. A white paper was developed by Ms. Sharon Sinkler, Interpreter Program Coordinator outlining the pros and cons of NCDHH doing so. Ms. Sinkler is recommending that our referral program cease operation as of December 31, 2019. With the rationale that NCDHH will still find interpreters for state and legislative offices.

Conversation between the board members on the pros and cons of NCDHH getting out of the referral business and what that would entail.

The following people came forward and spoke regarding the NCDHH Interpreter Referral Program:

- Ms. Diana Kautzky, President with Deaf Services Unlimited that is headquartered in Des Moines IA. Their fill rate for the year is 96%.

- Mr. Justin Buckhold, “Bucky”, CEO with Linguabee that is headquartered in CO. Shared how he knows firsthand of not having an interpreter available.
- Bethany Koubsky, Director of Interpreting at Sorenson Communications. The biggest advantage for them is that they have a local presence. Encouraged that the sign language interpreters in Nebraska need to have a mentoring program to assist them in growing in their field.
- Deb Graegin, Manager with ZVRS. Agrees that being local and being that community support that we have from our company kind of sets us apart.

Board Member Mr. Norman Weverka made the motion that NCDHH stop doing all sign language interpreter referrals effective, December 31, 2019; noting that if the need arises from another state agency or the Governor’s office that NCDHH will assist if needed. Board Member Ms. Candice Arteaga seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent.

Chairperson Fitzpatrick noted that we are going to move from G.7. to G.9.

## 8. Legislative Update

### a. Language Equality and Acquisition for Deaf Kids (LEAD-K)

Director Wyvill noted that NCDHH is working with Nebraska Association of the Deaf (NeAD) in the decision process for when to enter this into legislation.

### b. American Sign Language (ASL) as a recognized language

Director Wyvill added that once NeAD holds their elections for leadership in the near future, NCDHH will see if there is an interest in pursuing American Sign Language (ASL) as a recognized language on the state lay books.

The meeting moved to H.1.

## 9. NCDHH Executive Director Annual Performance Review – closed session

Board Member Ms. Frances Beurivage made the motion to go into closed session at 11:44 am to discuss item G.9. on the agenda. Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent.

Closed Session

Board Member Ms. Frances Beurivage made the motion to go back into open

session at 12:35 pm after discussing item G.9. on the agenda. Board Member Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent.

Board Member Ms. Frances Beurivage made the motion to give Director John Wyvill a 4% salary increase effective immediately. Board Member Dr. Stacie Ray seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent.

The meeting moved back to G.8.

## **H. Executive Director Report**

### **1. Budget**

Director Wyvill shared that included in the board packet is the last fiscal year's budget along with July and August of this year. Noted that the agency will be spending \$25,000 on new computers for the agency.

### **2. B-Weekly Reports**

Director Wyvill wanted to note a few items of emphasis. One being healthcare in making sure that individuals are receiving appropriate communication access while at medical appointments or hospitalized. Next, there will be a meeting with Nebraska Emergency Management Agency (NEMA) to express the lack of communication access. The third item is in terms of the educational outcome, the Commission has been taking a more active approach as we gain more awareness or notoriety. We have a number of complaints in the school system. This includes working with UNL on captioning and classroom design.

### **3. Advocacy Specialist's Top Ten Report**

Director Wyvill gave a recap of activities that have been going on at NCDHH.

### **4. NCDHH Staff Written Reports**

Director Wyvill gave a brief overview of what was shared in the board packets.

### **5. Marketing Report**

Ms. Kelsey Cruz, Public Information Officer shared that the agency's social media page has been getting a lot of traffic since the previous board meeting.

The zoo event will be on Sunday, September 22<sup>nd</sup> in Omaha. Ms. Cruz asked that if the board members wanted to attend to email her so that she can set aside some tickets for them.

Ms. Cruz also noted that we are in discussion with the producer of the movie regarding the life of Dummy Hoy. We have been in conversation with Linsay Darnall Jr. to see we can have a fundraiser to assist with the cost. Currently working with the local theaters to see what they can assist us with.

Ms. Cruz also commented about the poster that was made regarding LB-15, asking members of the board to sign. The poster will be hung in our Lincoln office.

**6. Out of state travel request**

Director Wyvill shared that Ms. Brittney Isom, the Scottsbluff Advocacy Specialist has been approved to attend the Early Intervention Conference for Deaf and Hard of Hearing in CO. Also, Ms. Kathy Scusa, the North Platte Advocacy Specialist will be driving to Kansas City to attend the Association of Late Deafened Adult National Conference. Director Wyvill also added that Ms. Sharon Sinkler will be going in his place to the National Association of the Deaf (NAD) Leadership Conference in October.

Board Member Ms. Diane Schutt made the motion to accept the Executive Directors Report as presented. Board Member Ms. Candice Arteaga seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent.

**I. Public Comment**

No public comments at this time.

**J. Strategic Planning**

Chairperson Fitzpatrick requested that Director Wyvill have someone on staff find three best examples of other commissions' mission statements, and what they consist of. Have this staff person come present at the next board meeting the results that they come up with.

**K. Old Business**

Board Member, Mr. Norman Weverka shared about the issues with the Nebraska Specialized Telecommunications Program (NSTEP) and Verizon. The partnership with Verizon being one of the vendors has been suspended until the Public Service Commission (PSC) can work out the issues.

**L. New Business**

No new business to report

**M. Adjourn**

Board Member Ms. Schutt moved to adjourn the meeting at 1:03 pm. Board Member Dr. Frank Turk seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Dr. Brennan, Dr. Ray, Ms. Schutt, Dr. Turk, and Mr. Weverka all voting aye; Ms. Shaw absent.

**Next meeting is:**

- December 13, 2019 from 8:30a – 1:30p  
4600 Valley Rd, Room 1  
Lincoln NE