

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Meeting - December 13, 2013 – Approved on March 14, 2014
Omaha State Office Building, Room 227
8:30 a.m. to 2:00 p.m.**

Chairperson Steven Manning called the meeting to order at 8:45 a.m.

B. Roll Call

Members present were Mr. Michael Brummer, Ms. Eileen Dakan, Mr. Steven Manning, Dr. Jan Moore, Ms. Diane Muelleman and Ms. Margie Propp. Members absent were Mr. Dillard W. Delts, Ms. Amy Kasch and Dr. Carol Lomicky. Staff members present were Mr. John Wyvill, Executive Director, Ms. Lori Burrage, Business Manager, Ms. Peggy Williams, Mental Health Specialist, Mr. Ben Sparks, Interpreter Program Assistant, Ms. Cindy Woldt, Staff Assistant, Ms. Judy Tarvin, Administrative Assistant, Ms. Beth Ellsworth, Field Representative and Ms. Brenda Chappell, Field Representative. Interpreters were Ms. Bethany Koubsky and Mr. Dave Borgaila.

Mr. Delts arrived after roll call.

C. Acceptance of the Agenda

Mr. Manning asked for acceptance of the agenda. **Ms. Propp asked to add discussion of the Disciplinary Policy tabled at the September meeting under Old Business. Mr. Delts seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.**

D. Acceptance of the Minutes

1. Full Commission Meeting – September 13, 2013

Mr. Manning asked for acceptance of the September 13, 2013 minutes. **Mr. Brummer made a motion to accept the minutes as presented. Ms. Muelleman seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.**

AUDIENCE COMMENTS

Ms. Mary Dyer and Ms. Sheryl Butler introduced themselves.

F. Business Manager's Report

- 1. General Ledger Report**
- 2. Carryover Funds Update**
- 3. Projection of Salary Savings**
- 4. Salary Projections for FY 14-15**

Ms. Burrage reported the agency continues to be conservative and is significantly under budget for the year. Mr. Wyvill will provide an update on new carryover fund ideas. Since approving the statewide Mental Health interpreter training, a meeting was held with State

Accounting that Mr. Wyvill will report on later. The display banners have been updated with the new logo. Agency brochures and promotional items will be updated when the existing supply has been used. The salary reports show that the vacant positions are fully funded and will be discussed later.

G. Executive Director's Report

1. Review of Written Reports

a. Interim Director Report – Ms. Williams

b. Executive Director Report – Mr. Wyvill

Mr. Wyvill thanked the board for the opportunity to serve as the Executive Director to carry out the vision and mission for improving the quality of life for Deaf and Hard of Hearing people in the State of Nebraska. There is a person from Nebraska.gov that will be coming to give a presentation on the website. When that individual arrives, with the Chairman's permission, that person can then present to the Commission.

Mr. Wyvill reported that Ms. Williams', Interim Director written report and his written report is in the packet. This provides a summary of significant activities that have been worked on in the role of director.

Ms. Dakan thanked Mr. Wyvill for providing the reports; it is the first time written reports have been submitted from the Executive Director.

10. Website Update

a. Nebraska Interactive Presentation

Mr. Tyson Franzen from Nebraska.gov explained the newest way of web design and new technology. The website designed by the University of Nebraska, Kearney (UNK) students is not a bad website; it is 508 compliant but it is not responsive or template based. Discussion was held. Mr. Franzen stated Nebraska.gov would design a responsive and template based website for \$600.00. Dr. Moore asked that the spirit of the UNK designed website be incorporated. Mr. Franzen responded they could design something very similar to UNK's with completion by March, 2014.

b. Staff Presentation on Website and Face book Contact Information

Ms. Woldt provided website and Face book statistics for the months of September, October and November, 2013. Mr. Wyvill thanked Ms. Woldt and Mr. Franzen for their presentations. Mr. Wyvill stated he plans to expand the use of social media to reach out to people that are not aware of our services.

2. LB 39

Mr. Wyvill reported he met with Commission staff, stakeholders, the Nebraska Department of Education, Lincoln Public Schools, Senator Haar and other state senators regarding LB 39. The senators feel it would be problematic to get the bill through since the upcoming legislative session is a short session. With the opposition from Lincoln Public Schools, it is unlikely the bill would get out of committee. Mr. Wyvill and Senator Haar discussed the possibility of conducting an interim study. The interim study would be a formal resolution directing the Commission to report back with specific findings and recommendations to an Education Committee, the Health and Human Service Committee or a combined committee. The agency can propose to the senators what we want in the study. Examples provided were the shortage of interpreters and having no mechanism to address complaints for educational

and unlicensed interpreters that are interpreting in community settings. Discussion was held. **Ms. Propp made a motion that Mr. Wyvill set up an interim study in relation to LB 39. Ms. Muelleman seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.**

3. Vacant positions

a. Field Representative (Part-time)

b. Public Information Officer

Mr. Wyvill reported his intent is to fill the two vacant positions. The part-time position will address a critical need in the tri-city area which is Kearney, Grand Island and Hastings. The Public Information Officer is needed to implement new ideas and recommendations for expanded outreach, long term goals and strategies for the Commission including how we can restore funding for a Scottsbluff office and determining what the needs are that are not being met. The PIO will also assist various Deaf and Hard of Hearing organizations with communication and outreach so we can reach out to more individuals, updating manuals and marketing materials. Discussion was held.

4. Hearing Aid Bank

Mr. Wyvill reported the new Field Rep working with the Hearing Aid Banks discovered that the policies have not been followed. The information provided shows there are circumstances in which people that are not eligible to get hearing aids have received them. Two problems were identified which is the policies were not followed and the income threshold is too low. This information has been provided to the University of Nebraska and there are meetings scheduled with the Lions Club and hearing aid bank. The agency is working to resolve the issues. Discussion was held.

5. Deaf-Blind Equipment Program

a. Executive Session – Discussion on Project Management

Mr. Wyvill asked the Chairperson to entertain a motion to go into Executive Session to discuss a personnel matter involving an employee with the Deaf-Blind Equipment Program. **Ms. Muelleman made a motion to go into Executive Session at 10:15 a.m. Dr. Moore seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.**

Ms. Propp made a motion to open the session at 11:00 a.m. Mr. Brummer seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.

Mr. Manning reported no action was taken during the closed session.

6. Memberships

a. NAD/HLAA

B. AG Bell

c. Hands and Voices

Mr. Wyvill stated after a period of absence he renewed memberships with two organizations, National Association of the Deaf (NAD) and Hearing Loss Association of America (HLAA). He would like the agency to become members of AG Bell and Hands and Voices.

Memberships with these organizations allow the agency to receive newsletters and training opportunities. Discussion was held with the decision to proceed with individual memberships with all organizations listed.

7. Conference and Meeting Protocol Process

Mr. Wyvill asked for all requests for himself, or staff, to attend specific meetings, workshops or conferences, be emailed to him directly. He will follow up with the staff member directly.

8. Interpreter Review Board (IRB) Vacancies and Comments

Mr. Wyvill received an email from an individual interested in serving on the Interpreter Review Board (IRB). He requested a resume but the individual did not respond. Discussion was held. Mr. Wyvill will request a resume or additional information before the Board makes a decision on appointing this individual.

9. Carryover Funding

a. Mental Health Interpreter Training Issue

Mr. Wyvill reported there is a statute that requires the Commission to charge a reasonable fee when providing training for interpreters. The Board previously approved funding a mental health interpreter training program using carryover funds. After meeting with State Accounting, they indicated the Commission must make an effort to recoup the funding. It was previously represented to the Commission that we would not need to charge a fee when providing training. There is a possibility that if we don't recoup all of the money, that it may become a concern for the State Auditors.

Ms. Williams contacted two people from the Alabama Mental Health Office for the Deaf that provide annual training for mental health interpreters. Tentative dates are May 30 – 31, 2014 at the University of Nebraska Medical Center in Omaha. The estimated cost is between \$7,000 and \$8,000 and she is concerned we will not collect enough money to cover all the costs. Mr. Brummer asked if grants are available. Ms. Williams responded she could look into grants but the grant she typically writes is for \$1,500 and won't satisfy the financial need.

Mr. Wyvill stated he wanted the Board to be aware we have to charge a reasonable fee to attempt to recoup the funds. It becomes a difference of opinion as to whether or not we did due diligence in an attempt to break even. That is a risk as we go forward, but it is an acceptable risk that he willing to take. Ms. Muelleman suggested looking at a different date since May is a busy time for educators and parents. Discussion was held.

b. Executive Director Items

Mr. Wyvill proposed to have the June board meeting in Scottsbluff as well as a concentrated outreach activity during that week. This would include meeting with stakeholders, in-service training, newspaper and TV appearances. We would investigate the possibility and feasibility of re-establishing an office in Scottsbluff if the board wants to pursue that as an item for inclusion in the next budget. Several staff members would travel to Scottsbluff for the week. There would also be a town hall meeting the day before the board meeting inviting the Deaf and Hard of Hearing community and key stakeholders to meet with the Board members.

Mr. Wyvill presented other focus areas including domestic violence support outreach for Deaf and Hard of Hearing individuals; training and outreach to help the Deaf community specifically with NeAD; Disability Rights Center and Voc Rehab in terms of job support, advocacy

or educational focus; Deaf Awareness Week in September, 2014 and the unmet needs of the hearing aid banks. There are people that do not have access to hearing aids that need them. Mr. Wyvill will present specific information at the March meeting on his plans.

Ms. Dakan suggested including an activity in May for Better Speech and Hearing month. Dr. Moore suggested collaborating with the Nebraska Speech, Language and Hearing Association. Dr. Moore suggested becoming involved with the Roots and Wings workshop in October, which is for parents of children diagnosed with hearing loss.

Ms. Williams reported there will be a NET program in May in recognition of Better Hearing and Speech month. The program will consist of three sections; the first will be following a child through the diagnostic process; the second phase will be technology, hearing aids, T-coils, cochlear implants; the third phase will be on prevention to educate parents on ear buds, loud music in vehicles, etc. Dr. Moore suggested including telemedicine in the program. UNK has a telepractice clinic that offers hearing aid orientation and free therapy for hearing impaired children and adults who have gotten a cochlear implant and need assistance using it. Ms. Williams will contact UNK to see if they are willing to participate in the NET program.

11. NSTEP Program – Letter to the Public Service Commission

Mr. Wyvill reported a letter has been sent to the Public Service Commission in support of changing the regulations for the number of cell phones allowed per household.

12. Staff Monthly Reports – September through November, 2013

Mr. Wyvill provided the reports for review.

13. Nebraska Telecommunications Relay Service (TRS) Advisory Committee Members

Mr. Wyvill stated there is a vacancy on the TRS committee. An application form will be developed. Mr. Delts stated since his term on the Board will end on January 31, 2014, the Board will need to appoint a replacement for him on the committee. Mr. Delts will attend the January 17, 2014 meeting.

H. Old Business

1. QAST Update

b. Approval of Proposed Rules and Regulations for Interpreter Licensure

Mr. Wyvill reported Ms. Williams and Mr. Sparks will present on two action items. Since assuming the Executive Director position, it has been determined that there is some question as to which Interpreter Rules and Regulations are the valid ones. The staff is working to determine that before it is presented to the Board for action. Mr. Sparks reported the evaluation task force made a series of recommendations in November, 2012. The first one is to recognize RID certification as valid for licensure purposes as a valid and reliable testing instrument. The second one is in absence of a cost effective and reliable alternative evaluation system; we are to continue QAST through December 31, 2014 using the last purchased set of stimulus. Another recommendation was that the Commission is to grandfather in interpreters who hold a QAST 4 or 5. After meeting with Mr. Wyvill, Ms. Williams and Mr. Sparks developed three recommendations. One is to continue to offer QAST until December 31, 2015; the second recommendation is beyond the expiration of QAST, if it does need to go away, RID will be the only certification system used and recognized; the third recommendation is that we investigate becoming an RID testing site. Mr. Manning asked when Kansas was ending their QAST testing, December 31, 2014 or December 31, 2015. Mr. Sparks stated Kansas was ending theirs in 2014,

however, according to their Executive Director, they will not release their stimulus tapes to the public so the QAST test will maintain its integrity. Missouri uses the same testing system and they plan to continue using it. Ms. Williams asked to clarify that the Commission currently has new stimulus tapes that have been used only three times. These stimulus tapes can be used past 2015 and the staff recommendation is that we continue to use them until they are no longer current which will save interpreters a lot of money. If another test is adopted, for example, the BEI from Texas, it will cost interpreters around \$600 to take the test. Ms. Williams feels that we already have a testing tool in place that is working and can continue to work until we can no longer use it. A date cannot be determined; it will depend on how many interpreters want to be tested. We have an evaluation team in place, and that team is developing the scoring system for the new stimulus tapes. **Ms. Muelleman made a motion to accept the staff recommendation to continue the use of the QAST stimulus tapes until someone decides they are no longer useful.** Ms. Propp stated the date of December 31, 2015 needed to be added. **Ms. Muelleman added to continue to use the tapes until 2015 or until the staff decides they are unacceptable. Ms. Propp seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.**

2. Board Member Handbook – Review of the Draft Handbook

3. Executive Director Search Guidelines – Review of Proposed Addendum

Ms. Williams reported she and Mr. Delts worked on the handbook changes. Mr. Delts stated he added an Executive Director Search section. **Ms. Propp made a motion to approve the board member handbook with changes and the Executive Director search guidelines. Mr. Delts seconded the motion.** Dr. Moore asked for the handbook to be changed using people first language. Ms. Williams agreed to make the changes. **Ms. Propp added using people first language to her motion. Dr. Moore seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, yes; Ms. Propp, yes. Vote was unanimous in favor of the motion.**

4. NCDHH Logo

Mr. Wyvill reported the new logo is being used and each member was provided with thank you cards with the logo.

Ms. Muelleman left the meeting.

5. Commissioners Service Award Nominations

- a. Dr. Pete Seiler**
- b. Ms. Tanya Wendel**
- c. Dr. Donita Mains**

Mr. Delts stated he gave all the information explaining why he wasn't pursuing the awards. Discussion was held. **Ms. Propp made a motion to recognize Dr. Pete Seiler with the Commissioner Service Award. Mr. Delts seconded the motion. Roll call vote: Mr. Brummer, no; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, no; Ms. Muelleman, absent; Ms. Propp, yes. Motion passed with a vote of three in favor and two against.**

Dr. Moore made a motion to give Dr. Donita Mains the Commissioner Service Award. Mr. Delts seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, absent, Ms. Propp, yes. Vote was unanimous in favor of the motion.

Mr. Brummer made a motion to remove Ms. Tanya Wendel from discussion. Ms. Propp seconded the motion. Discussion was held. Ms. Propp made a motion to recognize Ms. Tanya Wendel with a letter thanking her for her years of service to the Deaf and Hard of Hearing community of Nebraska, an apology and some nice little commemorative thank you gift that will be decided by Mr. Manning and Mr. Wyvill. Mr. Brummer seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, absent, Ms. Propp, yes. Vote was unanimous in favor of the motion. Discussion was held. Ms. Propp made a motion that the commemorative gift that will be presented to Ms. Wendel will be paid for through private collection, private funds, from the board members. Mr. Delts seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, absent, Ms. Propp, yes. Vote was unanimous in favor of the motion.

6. VR Focus Group Update

a. VR Training Update

b. VR Statistics

Mr. Wyvill reported he met with Mr. Mark Schultz, Director of Voc Rehab. Mr. Schultz is willing to assist with employment opportunities for the Deaf and Hard of Hearing community. Mr. Schultz asked Mr. Wyvill to serve on the State Rehab Council as a non-voting member. Discussion was held. Ms. Williams reported VR requested that a Field Rep attend a several day training session. Mr. Pat Bracken would attend a Field Rep meeting to gain a better understanding of the Commission's role. Ms. Kim Davis attended the training session and her report was provided. Mr. Wyvill will attend the January VR Focus Group meeting. Ms. Vicki Rasmussen with the VR Client Assistance Program addressed the board, stating VR wants to work together to improve the services they provide. Discussion was held. Mr. Wyvill suggested inviting Mr. Schultz to the March, 2014 board meeting.

7. Disciplinary Policy

Ms. Propp made a motion to untable the discipline policy and close all discussion because it is already in the personnel office as a policy. Mr. Delts seconded the motion. Roll call vote: Mr. Brummer, yes; Ms. Dakan, yes; Mr. Delts, yes; Ms. Kasch, absent; Dr. Lomicky, absent; Dr. Moore, yes; Ms. Muelleman, absent, Ms. Propp, yes. Vote was unanimous in favor of the motion.

Subcommittee Discussion

Mr. Manning asked for reports.

4. Education Issues Committee

Ms. Dakan provided an update from the Education Issues Committee. The committee has not met but wanted the Board to know that Dr. Lomicky has worked very hard in Central Nebraska, specifically in the city of Kearney, along with the Sertoma Club to get two venues, the World Theater and the Merryman Performing Arts Center, looped for hearing aid users. Dr.

Lomicky spearheaded the process and she and her husband physically helped with the looping. Ms. Dakan met with UNK students with a hearing loss and they have established a group called Connections.

5. Awards and Recognition Committee

Mr. Delts presented Ms. Williams with a Commissioner Service Award for serving as the Interim Director in 2009 and 2013.

2014 Meeting Dates, Times and Locations

March 14, 2014 – Lincoln

June 13, 2014 – Scottsbluff – Town Hall Meeting on June 12, 2014

August 29, 2014 – Lincoln

December 12, 2014 – Omaha

Meeting adjourned at 1:40 p.m.