

Approved October 7, 2020

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
Lincoln Firefighter Reception Hall
241 Victory Lane, Lincoln NE**

September 11, 2020 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 11, 2020, at 8:30 a.m. at the Lincoln Firefighter Reception Hall, 241 Victory Lane 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 4, 2020 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 Mr. Jeremy Fitzpatrick, Ms. Candice Arteaga, Ms. Frances Beurivage, Mr. Robert Feit, Mr. Jonathan Scherling, Ms. Diane Schutt, Ms. Sandra Shaw and Mr. Norman Weverka all present. Dr. Stacie Ray was absent. NCDHH Staff members present are Mr. John Wyvill, Executive Director; Ms. Stephanie DeGroot, Business Manager; Ms. Kelsey Cruz, Public Information Officer and Ms. Sharon Sinkler, Interpreter Program Coordinator. Sign Language Interpreters present were Ms. Amber Tucker and Ms. Sue Gudenkauf. Ms. Margaret "Mydge" Heaney with Exclusive Reporting Inc. providing CART services.

D. Review of Agenda

Executive Director John 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. Robert Feit moved to accept the agenda as written. Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

F. Acceptance of Minutes

Chairperson Fitzpatrick asked for changes or corrections to the July 24, 2020 meeting minutes.

Board Member, Mr. Norman Weverka, moved to accept the minutes as written. Board Member Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

G. Chairperson of the Board Report

1. Public Comments

No public in attendance

Chairperson Fitzpatrick shared that the meeting will move to G.5. on the agenda since we have Ms. Judy Janssen present to discuss the Licensure Complaint 2520 / 2521.

2. Chairperson's Report

Chairperson Fitzpatrick shared that his items would be covered later in the meeting.

3. Legislative Update

Executive Director Wyvill shared with the members of the board regarding the below three topics:

- **Budget** – The agency biannual budget needs to be submitted by September 15, 2020. Ms. Stephanie DeGroot, Business Manager has been working on pulling the numbers together. Director Wyvill noted that the agency is not asking for any additional funding, we are asking for money that we saved to be carried over. Director Wyvill added that the agency will be letting the legislature know that because of the savings in movement of our priorities that we will be adding an Advocacy Specialist and reducing a Staff Assistant position. Director Wyvill also added that the funding for the mentoring program will be funded out of the revenue from the licensure fees.
- **Language Equality and Acquisition for Deaf Kids (LEAD-K)** – LB965 passed! Director Wyvill shared the history with the filing of the bill and the troubles that incurred with getting passed. LEAD-K was combined with the American Sign Language bill into one legislative bill. During the COVID impact NCDHH was notified that they were not running any bills that had a potential fiscal impact. Because of this, Director Wyvill received in writing from Department of Education that there is no fiscal impact. This bill was one of the 25 speaker priority bills for this session. NCDHH worked collaboratively with Nebraska Association for the Deaf (NeAD) and Department of Education in getting this bill passed. Director Wyvill shared that he has a request in for a formal bill signing which is currently under review. Director Wyvill also gave credit to Dr. Peter Seiler who was a previous Executive Director of NCDHH on the work that he did pertaining to LEAD-K.

Chairperson Fitzpatrick acknowledged Director Wyvill and his staff for the work that was accomplished in getting LEAD-K passed.

Conversation regarding the American Sign Language portion of this bill, and how it was received with the Department of Education.

- **Petition regarding Nebraska Specialized Telecommunications Program (NSTEP)** – Mrs. Tammy Richardson Nelson shared with the Commission Board at a previous meeting a petition that was signed by members of the community that would change the stipulation that citizens of Nebraska can have two cell phones per household, and changing that they can reapply to receive new equipment every three years.

Conversation between the members on the fiscal impact that this would have if it was decided to make the changes suggested by Mrs. Tammy Richardson Nelson. Board Member Weverka and Board Member Feit will bring this topic up at the Telecommunication Relay Services (TRS) Advisory Committee meeting that will be held in January, 2021.

Director Wyvill is recommending that we not pursue this legislation this year, however this is a board decision.

Board Member, Mr. Norman Weverka, moved that NCDHH will not take any action at this time on the suggested NSTEP changes that were requested. Those changes are allowing two applications per household, and being able to apply once every three years. Board Member Ms. Frances Beurivage seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent

A five minute break was taken.

4. **2021 Proposed Strategic Planning Process**

Director Wyvill referred to the handout that was included in the board pack. NCDHH would like to start the process with a virtual town hall meeting, this will give us the opportunity to inform the stakeholders and citizens of Nebraska of this process. The next steps would include getting a survey out, set up Town Hall meetings, then NCDHH would be able to present to the Board of Directors at the June, 2021 meeting a completed draft.

Conversation between the members on what NCDHH does for the citizens of Nebraska, and the work that we have left to do.

Board Member, Mr. Norman Weverka, moved that the board accepts the strategic plan process as presented. Board Member Mr. Robert Feit seconded the motion. With no further discussion,

the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent

5. Formal Licensure Complaint 2520 / 2521 – closed session

Board Member, Ms. Frances Beurivage, moved to go into closed session at 8:49am to discuss the Licensure Complaint, Case No 2520/2521 Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

Back in open session at 9:12am

Executive Director Wyvill and Ms. Sharon Sinkler, Interpreter Program Coordinator did not participate in the closed session and stepped out of the meeting.

Judy Janssen was present in the closed session. She is a retired Lieutenant with the Nebraska State Patrol, who was hired by NCDHH to conduct licensure investigations.

Conversation between the board members and Ms. Sharon Sinkler on how it would look for this interpreter to have a two year license suspension. Ms. Sinkler shared that the interpreter would have to ask for reinstatement of her license in the middle of a cycle. The reinstatement comes before the board for approval.

Board Member Mr. Robert Feit asked for clarification if the interpreter would have to go through testing again before being able to be reinstated as an interpreter in September, 2022. Ms. Sinkler replied that the interpreter would have to keep up on the Continuing Education Unit's (CEU's) and continue to pay membership fees to Registry of Interpreters for the Deaf (RID). If either of these lapse, the interpreter would not be eligible to get a reinstatement license in September, 2022.

Board Member, Ms. Diane Schutt, moved to suspend Ms. Anne McBride's interpreter license effective immediately for two years. Ms. McBride will be eligible for reinstatement on or after September 10, 2022. This is the recommendation by the Interpreter Review Board (IRB), and also reviewed by the Attorney General's Office. Board Member Mr. Norman Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

6. Executive Director Annual Performance Review – closed session

Board Member, Mr. Norman Weverka, moved to go into closed session at 10:17am to discuss the Executive Director's Annual Performance Review. Board Member Mr. Robert Feit seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

Back in open session at 11:24am

Board Member, Mr. Norman Weverka, made the motion to give Executive Director John Wyvill a 5% raise that will go into effect beginning on October 1, 2020. Board Member Mr. Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

7. Election of Officers

Chairperson Fitzpatrick shared that there are three open positions on the board; Chairperson, Vice-Chairperson and Secretary.

Secretary

Board Member Mr. Robert Feit nominated Board Member Ms. Frances Beurivage for Secretary. Board Member Jonathan Scherling seconded.

Chairperson Fitzpatrick asked if Board Member Beurivage was willing to serve as secretary. Board Member Beurivage agreed.

Board Member Mr. Robert Feit moved to have nominations cease and unanimous ballot be cast for Board Member Ms. Frances Beurivage as Secretary. Board Member Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent.

Vice Chairperson

Board Member Ms. Frances Beurivage made the nomination for Board Member Mr. Robert Feit as Vice Chairperson.

Board Member Mr. Robert Feit agreed to serve.

Board Member Ms. Frances Beurivage moved to have nominations cease and unanimous ballot be cast for Board Member Mr. Robert Feit as Vice Chairperson. Board Member Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent

Chairperson

Board Member Mr. Robert Feit nominated Board Member Ms. Candace Arteaga as Chairperson.

Board Member Ms. Candace Arteaga agreed to serve.

Board Member Mr. Robert Feit moved to have nominations cease and unanimous ballot be cast for Board Member Ms. Candace Arteaga as Chairperson. Board Member Ms. Diane Schutt

seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent

A five minute break was taken.

Newly elected Chairperson Ms. Candace Arteaga called the meeting back together.

H. Executive Director Report

1. Budget Report and Update

Director Wyvill shared that the agency is currently under budget for the year. Director Wyvill gave credit to Ms. Stephanie DeGroot, Business Manager for handling the agencies financial funds. Ms. DeGroot has been doing an excellent job.

Also included is the audit response / corrective action plan that was submitted to the State of Nebraska.

2. Language Equality and Acquisition for Deaf Kids (LEAD-K) Transition and Implementation Plan

NCDHH has been working directly with Nebraska Association of the Deaf (NeAD), Nebraska Department of Education in order to appoint a committee of 14 members to serve on the LEAD-K committee before the December, 2020 board meeting.

Discussion on how the selection of the committee members will occur. The first meeting for this committee will be in December, 2020 as a planning meeting. They will then start meeting regularly in 2021.

Director Wyvill also informed the board members that he received notification during today's meeting that NCDHH has been selected to have a bill signing for LB-965, the LEAD-K/ASL Bill. Director Wyvill will notify the board when that date is set.

Discussion on the responsibilities of the committee that will be developed for LEAD-K.

3. Bi-weekly Reports

Director Wyvill shared that he did not included a copy of his weekly emails to the members, due to the short turn around since the last meeting.

Director Wyvill shared a few exciting things happening at the agency.

- We are having our second round of interviews for the Advocacy Specialist in Omaha. Adding that they had over 40 applications for this position.
- We are beginning interviews next week for the Staff Assistant position.
- Ms. Susan Whitaker, Advocacy Specialist in our Scottsbluff office came on board a couple of weeks ago. Ms. Whitaker has hit the ground running, she is doing a wonderful job.
- We will be having the Zoo Event in Scottsbluff on September 26, 2020

- A Staff training will be provided by Mr. Richard McCowin in October.

4. Advocacy Specialist's Top Ten Report

Director Wyvill referred to the hand out that was included the member's packets.

5. Marketing Report

Ms. Kelsey Cruz, Public Information Officer shared information regarding the social media statistics. She also mentioned the number of vlogs that the agency has completed the past couple of months.

Regarding the zoo event at the Omaha Henry Doorly Zoo on October 4, 2020. This year we will be having our activities at the Aquarium Conference Center. Ms. Cruz added that we are planning on having a presentation / celebration for the LEAD-K bill signing. Ms. Cruz touched on a few other activities that will be taking place as well.

Conversation between the members on the activities that will be involved and the number of tickets that are allotted for this event.

Director Wyvill added that yesterday the District Court in the DC area ruled in favor of National Association of the Deaf (NAD) telling the White House that they need to have a sign language interpreter present at the COVID briefings.

Director Wyvill also shared that the agency is working with consumers to advocate for themselves before turning to the Commission. For example when the TV station cuts off the sign language interpreter they should call the TV station themselves before they call us.

Director Wyvill also added that Ms. Sharon Sinkler, Interpreter Program Coordinator is working with the Rules and Regulations Committee to complete the revision of the Rules and Regs. by the December, 2020 meeting; this will address the apprenticeship license.

Board Member Mr. Norman Weverka moved accept the Executive Director's Report as presented. Board Member Mr. Robert Feit seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent

I. Public Comment

No public in attendance

J. Old Business

No old business to report

K. New Business

No new business to report

L. Adjourn

Board Member Mr. Norman Weverka moved adjourn the meeting at 12:18pm. Board Member Ms. Sandy Shaw seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Ms. Beaurivage, Mr. Feit, Mr. Scherling, Ms. Schutt, Ms. Shaw and Mr. Weverka all voting aye. Dr. Stacie Ray was absent

Next meeting is:

- December 11, 2020 from 8:30a – 1:30p
Lincoln Firefighter's Reception Hall
241 Victory Lane
Lincoln NE