

# Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired

NRS 427A.750 and 427A.797

## Mission Statement

“The Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired will advocate for and support the goal that all Nevada citizens have equal and full access to resources, services and opportunities in all aspects of community life.”

## Vision Statement

“All Nevada residents who are Deaf, Hard of Hearing and Persons with speech disabilities along with their families and professionals who support them have timely access to information, effective communication, education, and services that promote choice and independence.”

## Bylaws

### Article I: Definitions

1. The term “Commission” refers to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired (CDHHSI) pursuant to NRS 427A.750.
2. The term “Department” refers to the Nevada Department of Health and Human Services (DHHS).
3. The term “Director” refers to the Director of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired (CDHHSI).
4. The term “Division” refers to the State of Nevada, Aging and Disability Services Division (ADSD).
5. The term “NRS” refers to Nevada Revised Statutes.
6. “Practice of interpreting” has the meaning ascribed to it in NRS 656A.060.
7. “Practice of real-time captioning” has the meaning ascribed to it in NRS 656A.062.
8. “Telecommunications relay services” has the meaning ascribed to it in 47 C.F.R. § 64.601. (Added to NRS by 2009, 2377; A 2013, 150; 2015, 886)
9. Deaf means total or significant loss of hearing who may communicate through sign language.
10. Hard of hearing means mild to moderate hearing loss who may communicate through sign language, spoken language or both.
11. Speech Impairment means a disorder of oral speech resulting in a communication disorder.

## Article II: Creation

1. The Commission is created pursuant to NRS Chapter 427A.750 and shall establish rules for its own governance.
2. Recommendation shall be made, to the Governor, by the Commission which consists of:
  - a. One nonvoting member who is employed by the State and who participates in the administration of the programs of this State that provides services to persons who are deaf, hard of hearing or speech impaired.
  - b. One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;
  - c. One member who has experience with and knowledge of the services for persons who are deaf, hard of hearing or speech-impaired;
  - d. One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;
  - e. ~~Three members~~ One member who ~~are~~ is a user of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of real-time captioning;
  - f. One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and
  - g. One member who represents educators in this State and has knowledge concerning the provision of communication services to persons who are deaf, hard of hearing or speech impaired in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.
  - h. One member who represents an advocacy organization whose membership consists of persons who are deaf, hard of hearing or speech-impaired;
  - i. One member who is deaf or hard of hearing;
  - j. One member who specializes in issues relating to the employment of persons with disabilities; and
  - k. One member who is the parent or guardian of a child who is less than 6 years of age and is deaf or hard of hearing.

## Article III: Duties

1. The Commission shall:
  - a. Determine and evaluate the needs of persons who are deaf, hard of hearing and speech impaired in this State;
  - b. Seek ways to avoid unnecessary duplication of services for deaf, hard of hearing and speech impaired persons by public and private organizations in this State;

- c. Establish priorities for the work of the Division according to the most pressing needs of persons who are deaf, hard of hearing or speech impaired as determined by the Commission;
- d. Promote programs that provide community-based services necessary to enable persons who are deaf, hard of hearing or speech impaired, to the fullest extent possible, to be an integral part of the community;
- e. Review and make recommendations regarding plans for services for persons who are deaf, hard of hearing or speech impaired;
- f. Gather and disseminate information relating to persons who are deaf, hard of hearing or speech impaired;
- g. Conduct workgroups, meetings, hearings, conferences and special studies on the needs of persons who are deaf, hard of hearing or speech impaired and on programs that serve persons who are deaf, hard of hearing or speech impaired;
- h. Evaluate existing programs for persons who are deaf, hard of hearing or speech impaired, recommend changes in those programs and propose new programs that would more effectively and economically serve the needs of persons who are deaf, hard of hearing or speech impaired;
- i. Evaluate any proposed legislation that would affect persons who are deaf, hard of hearing or speech impaired;
- j. Carry out the provisions of the Strategic Plan for Persons Who Are Deaf, Hard of Hearing or Speech Impaired developed by the Commission pursuant to paragraph (d) of subsection 8 of chapter 427A.750. Recommend to the Legislature any appropriate legislation concerning persons who are deaf, hard of hearing or speech impaired; and
- k. Coordinate and assist the efforts of public and private organizations that serve the needs of persons who are deaf, hard of hearing or speech impaired, especially in the areas of education, employment, health, housing, welfare and recreation.
- l. Make recommendations to the Division concerning the practice of interpreting and the practice of real-time captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.
- m. Make recommendations to the Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.
- n. Provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality for such persons in education, employment and socialization and referrals for such services and resources;
- o. Review procedures and practices of state and local governmental entities and Make recommendations to such entities concerning:
  - i. Compliance with laws and regulations concerning persons who are deaf, hard of hearing or speech impaired, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
  - ii. Improving the health, safety, welfare and comfort of persons who are deaf, hard of hearing or speech impaired; and

- iii. Integrating services and programs for persons who are deaf, hard of hearing or speech impaired and improving cooperation among state and local governmental entities that provide such services.

2. The Commission may:

- a. Make recommendations to any state agency, including, without limitation, the Division, concerning the establishment and operation of programs for persons who are deaf, hard of hearing or speech impaired to ensure equal access to state programs and activities.
- b. Recommend to the Governor any proposed legislation concerning persons who are deaf, hard of hearing or speech impaired.
- c. Collect information concerning persons who are deaf, hard of hearing or speech impaired.
- d. Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Commission must solicit input from various persons, including, without limitation, persons who are deaf, hard of hearing or speech impaired.
- e. Review the goals, policies, programs and services of state agencies, including, without limitation, the Division, that serve persons who are deaf, hard of hearing or speech impaired and advise such agencies regarding such goals, policies, programs and services, including, without limitation, the outcomes of services provided to persons who are deaf, hard of hearing or speech impaired and the requirements imposed on providers.
- f. Based on information collected by the Department of Education advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.
- g. Consult with the personnel of any state agency, including, without limitation, the Division, concerning any matter relevant to the duties of the Commission. A state agency shall make available to the Commission any officer or employee of the agency with which the Commission wishes to consult pursuant to this paragraph.

#### Article IV: Membership (NRS 427A.750)

1. The Commission consists of ~~nine~~ **eleven** members appointed by the Governor, 2 non-voting members and ~~7~~ **9** voting members. The Governor shall consider recommendations made by the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired and appoint to the Commission:
  - a. One non-voting member who is employed by the State and who participates in the administration of the programs of this State that provides services to persons who are deaf, hard of hearing or speech impaired;
  - b. One non-voting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;

- c. One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;
- d. One member who has experience with and knowledge of services for the deaf, hard of hearing or speech-impaired;
- e. ~~Three members~~ One member who ~~are~~ is a user of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of real-time captioning;
- f. One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and
- g. One member who represents educators in this State and has knowledge concerning the provision of communication services to persons who are deaf, hard of hearing or speech impaired in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.
- h. One member who represents an advocacy organization whose membership consists of persons who are deaf, hard of hearing or speech-impaired;
- i. One member who is deaf or hard of hearing;
- j. One member who specializes in issues relating to the employment of persons with disabilities; and
- k. One member who is the parent or guardian of a child who is less than 6 years of age and is deaf or hard of hearing.

## 2. Term of Appointment

- a. The Governor shall appoint members to an initial 3-year term;
- b. After the initial 3-year term, a member may be reappointed for an additional term of no more than three years;
- c. Each voting member may serve no more than two terms or six years, whichever is greater;
- d. An appointed member serving more than one year of a term to which another person was appointed may serve only one additional full term as an appointed member; and
- e. A vacancy must be filled per the required appointment of the Commission.
- f. Except as outlined in Article VII, Financial Reimbursement, members of the Commission serve without compensation.

## 3. Nomination/Recruitment Requirements

- a. All interested applicants must present to the Commission on their qualifications and interest in joining the Commission.
- b. Applicants will be interviewed by the Commission prior to application to the Governor's office. *(Attachment A-Page 10)* The Commission will vote to endorse a recommendation of appointment to the Governor's office. The Governor's office makes all appointments per their established policies and procedures.

- c. All interested applicants must apply through the state’s online portal. The current link will be emailed to the interested applicant after their presentation to the Commission.
  - d. Appointed members must be a Nevada resident and fill a position outlined in NRS 427A.750.
  - e. Appointed members must sign and adhere to the Code of Ethics.
4. Removal of a Member
- a. All members serve at the pleasure of the Governor.
    - i. The Governor notifies member, in writing, of their termination from Commission.
  - b. Reasons for Removal of a Member include:
  - c. Malfeasance wrongdoing or misconduct especially by a public official or appointed member of a commission.
  - d. Two (2) unexcused absences.
    - i. An unexcused absence results when there is no prior notification by the member to the Division support staff 48 hours prior to a meeting.
  - e. Members who do not actively participate in Commission business; including who do not return email communication and/or phone calls may be considered for removal from the Commission.
  - f. Member actions that discredit the Commission or state agency that can compromise its work, effectiveness and efficiency, create disharmony, or are the result of felonious behavior by the member (including appropriate noting when a conflict between role as a member and other capacity exists).
  - g. An intentional violation of the conflict of interest policy.
  - h. A violation of the Code of Ethics of the Commission.
5. Election of a Commission Chair and Vice-Chair
- a. Election of a Commission Chair and a Vice-Chair shall occur at the regularly scheduled Commission meeting immediately prior to July 1st of each year;
  - b. All voting members attending this meeting are permitted to nominate and vote for a Chair and Vice-Chair; and
  - c. The Commission Chair and Vice-Chair shall be elected by a majority of voting member present.
  - d. The Vice-Chair shall act in the stead of the Chair when the Chair is not available to fulfill his/her duties.
6. Duties of Chair
- a. The Chair shall direct all Commission business, including, but not limited to, communication with Division staff, meeting agendas, meeting minutes and training;
  - b. The Chair establishes workgroups and/or subcommittees to assist the Commission in carrying out their respective responsibilities. The Chair will designate a member to chair the workgroups and/or subcommittees.

- c. The Chair is the official spokesperson for the Commission. The Chair may designate a member of the Commission to speak in any public meeting on behalf of the Commission when the chair is not available.
  - d. The Chair will work with Division staff regarding the Commission's budget and have the responsibility and authority to make decisions regarding the budget in determining the number of meetings to be held.
7. Work groups and/or Subcommittees
- a. The Commission Chair may appoint Commission members to subcommittees or workgroups for consideration of specific issues or other matters that are related to and within the scope of the functions of the Commission;
  - b. A workgroup and/or subcommittee must not contain more than five (5) members: including a minimum of one Commission member.
    - i. Workgroups cannot contain more than 3 commission members.
  - c. To the extent practicable, the members of such workgroups and/or subcommittees must be representative of the various geographical areas and ethnic groups of this state.

#### Article V: Meetings

1. The Commission shall meet at least quarterly or at the times and places specified by a call of the Governor, the Chair or a majority of the voting members;
2. The Chair and members will determine and approve the date and place of the meetings with the support of the Division staff;
3. Meetings, including workgroup and/or subcommittee meetings, are open to the public and subject to the requirements of the Nevada Open Meeting Law;
4. A Commission member may request that an item be placed on the agenda by contacting the Chair or Vice-Chair no later than 14 days prior to the posting of the meeting notice in accordance with Nevada's Open Meeting Law set out in NRS Chapter 241.

#### Article VI: Minutes

1. The Division support staff will act as the recording secretary.
2. Minutes of the previous meeting will be transcribed and made available for inspection by the public within 30-working days after the adjournment of the meeting
  - a. The recording secretary will transcribe minutes from tape recording, notes taken at meeting, and from agenda exhibits.
  - b. After a draft of minutes is prepared, they will be transmitted to members of the Commission for review prior to the next meeting.
  - c. Final approval of the minutes will be made at the next Commission meeting.
3. Minutes of each meeting of the Commission are considered public record and will be maintained in the Administrative Office of the Division.

## Article VII: Financial Reimbursement

1. While engaged in the business of the Commission, each appointed member of the Commission, each person appointed to serve on a workgroup and/or subcommittee or advisory committee of the Commission and each employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose.

## Article VIII: Rules of Order

1. The Commission will generally follow, as a guide, the Roberts Rules of Order where such rules do not conflict with NRS and these Bylaws.
2. Voting:
  - a. Voting Commission members are allowed one vote per member.
  - b. A simple majority of the **appointed** voting members of the Commission constitutes a quorum for the transaction of all business.
  - c. A majority of the quorum present, in any matter within the scope of their duties, is required for the determination of any action to be taken.
  - d. Members may abstain from voting.
  - e. The Chair and all voting members may make or debate a motion on an action item.
  - f. The Chair will count and announce the results of the vote.
  - g. A vote is not effective until it is announced and may be changed up to the time of the announcement.
  - h. If a roll call vote is made, the vote will be recorded by the secretary with an indication of the names and vote of each member present.
  - i. Proxy voting is prohibited.

## Article IX: Conflict of Interest

1. Personal financial gain and private benefit to a Commission member or his/her spouse, child, step-child, parent or step-parent through the member's participation on the Commission shall be considered a conflict of interest.
2. The following actions are prohibited:
  - a. No Commission member or immediate family member mentioned in 6.9(1) above shall seek to influence any vote regarding the awarding of a contract, a grant or other business from the Commission when the individual knows that he or she has a direct or indirect financial interest in the awarding of such a contract or grant or other business.
    - i. "Direct financial interest" is a situation that would result in a pecuniary benefit in the form of cash, salary or property to a person or his/her immediate family;
    - ii. "Indirect financial interest" is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
  - b. Except as compensation or reimbursement provided for by NRS Chapter 427A, no Commission member, or his/her immediate family, may directly receive funds, including



any portion of his/her salary, from any grant or contract funded by the Commission without first disclosing his or relationship to a person or entity seeking a grant, contract or other business from the Commission.

3. Nothing herein shall be construed to prohibit any firm, agency or organization that any member or immediate family member is associated with from appearing before the Commission as part of the normal course business by the firm, agency or organization. Nor shall it be construed that employment in any firm, agency, or organization that any member or immediate family member is associated with prohibit any member from engaging in discussion of, presentation on, or vote on business that comes before the Commission as part of the normal course of its activities.
4. Any member, or family member of a Commissioner, who is a recipient of services from any division of the Department shall not be construed as having a conflict solely as a result of having a disability, being a recipient of services from any division of the Department or having a familial relationship with an individual with a disability or recipient of services from a division within the Department.
5. Any member who is also a consumer of services from any agency, organization or project that receives funds through the Division shall not be considered to have a conflict of interest if his or her participation with that agency, organization or project is only as a consumer of services and does not exercise any administrative or decision-making authority in that project or organization.
6. All members shall disclose conflicts of interest to the Chair of the Commission, including uncertain or potential conflicts, as soon as the conflict becomes apparent. Members have an ongoing duty to disclose any conflicts of interest.
7. A disclosure of a conflict, including refraining from voting on applicable items, shall be made at all applicable times.
8. If a member is uncertain whether a conflict may exist in a specific situation, the Commission shall determine if a conflict exists in consultation with the Division or Department staff as appropriate.
9. Disclosure of any conflicts of interest shall be recorded in the meeting minutes.
10. A member who discloses or has been found to have a conflict of interest must not participate in any discussion on any matter related to the subject of the conflict or undue influence or vote in those areas where a conflict has arisen.
11. Any member may bring suspected violations of this policy to the Commission Chair.
12. Once an allegation of a conflict has been brought to Chair's attention, the Chair shall notify the Division and the member alleged to have violated the conflict of interest provisions of the allegation. Once a conflict has been reported:
  - a. The Division will gather pertinent information regarding the alleged conflict of interest violation;
  - b. Provide such information to the Commission.
13. Once the pertinent information has been gathered by the Division, the information will be forwarded to the Commission for a determination of whether a conflict of interest exists at the Commission's next regularly scheduled meeting.

14. Once the Commission determines if an allegation of a conflict of interest violation has been substantiated, the Commission shall determine if the violation is intentional or unintentional.
15. If it is determined by a majority vote of the Commission that a violation of the conflict of interest provisions was intentional, the Commission shall vote on the appropriate sanction, up to and including recommendation for removal of the member found to have a conflict of interest to the Governor and Commission.
16. If it is determined by a majority vote of the Commission that a violation of the conflict of interest provisions was unintentional, the Commission, in consultation with the Division staff as appropriate, shall define the area of the conflict of interest and instruct the Commission member to refrain from participation or discussion when that area is the subject of any Commission actions.

### Article X: By-Laws

1. These Bylaws represent the rules of governance for the Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. They should be reviewed at least every three years to ensure applicability of guidance. When any changes to the by-law occur, they must be presented at the next regularly scheduled meeting, with changes approved by a simple majority of the voting members, with the current date of approval noted as a footer.

### Article XI: Ethics

1. All Commission members agree to follow and practice ethical practices as outline in NAC 281A.

## Attachment A

### Potential Member Interview Questions

1. What are your thoughts on how to educate a deaf child?
2. How/What can you contribute to improve the quality of life for the deaf community?
3. Where do you feel that Deaf and Hard of Hearing have the most difficulty in getting access?
4. What are the biggest areas of need for improvement?
5. What kind of Commission would you love to get involved with/on?
6. Why do you think you would be an asset to the Commission?