



STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGING AND DISABILITY SERVICES DIVISION

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MEETING NOTICE AND AGENDA

Name of Organization: Nevada Commission on Services for Persons with Disabilities

Date and Time of Meeting: March 5, 2015
9:00 a.m.

Location: Governor's Office of Economic Development
808 W. Nye Ln.
Carson City, NV 89703

Governor's Office of Economic Development
555 E. Washington Ave., Suite 5400
Las Vegas, NV 89119

To join this meeting by phone dial 1-888-251-2909, then enter Access code 8985078 when prompted.

Minutes

Members present: Brian Patchett, Gary Olsen, Karen Taycher, Bill Heavilin, Jodi Sabal, Jon Sasser, Nicole Schomberg

Guests: Mark Olson, Sue Gulas, Lorina Daviton, Dan Dinnell, David Daviton, Julie Bowers, Steve Canavero, Nicole Bennett

Staff: Jill Berntson, Laura Valentine, Desiree Bennett, Shaina Holmes-Robinson

Interpreters: Kimberly Dawson, Gerianne Hummel

- I. Welcome and Introductions
Brian Patchett, Commission Chairperson

- II. **Public Comment** (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

Mr. Daviton congratulated Aging and Disability Services Division on winning the Supreme Court case, and stated he is curious on what the plans will be going forward.

Ms. Valentine stated that the partnership between the Nevada Housing Division, State Medicaid, and ADSD in applying for a competitive application to HUD (Department of Housing and Urban Development) resulted in Nevada receiving an additional \$2 million for Section 811 housing. The specifics of what the proposed uses for the grant were written by Mike Dang with the Housing Division.

- III. **Approval of Minutes from the February 5, 2015 Meeting (For Possible Action)**
Brian Patchett, Commission Chairperson

Mr. Olsen made a motion to approve the minutes from February 5 with corrected spelling errors. Ms. Taycher seconded the motion. Motion passed.

- IV. **Discussion and Possible Approval on Recommendations Made by the CSPD Nominating Subcommittee for Filling Vacant CSPD and Subcommittee Membership Positions (For Possible Action)**
Bill Heavilin, CSPD Nominating Subcommittee Chair

Mr. Heavilin stated that the CSPD Nominating Subcommittee met on March 4th to discuss any recommendations to filling vacant membership positions and recommendations to update CSPD bylaws. The subcommittee received an update on the proposed new members to the CSPD that were recommended to administration. There is a bill draft that was created regarding the commission and its membership; it is also a clean up to member term limits.

- V. **Discussion and Possible Approval on Recommendations to Update CSPD Bylaws (For Possible Action)**
Laura Valentine, Chief of Disability, ADSD
Bill Heavilin, CSPD Nominating Subcommittee Chair

Ms. Valentine has been working on updating the Commission bylaws regarding membership term limits. She is currently waiting for feedback from the Deputy Attorney General's office. 95 percent of the CSPD members term out at the same time. Adding language to the bylaws would allow for the staggering of terms and give the Commission members who are terming out an extra year on the Commission to find appropriate replacements. Ms. Valentine will provide a final draft of the updated bylaws at the next CSPD meeting.

VI. Update and Overview on Budget and Bill Draft Requests from the Department of Education

Representative from the Department of Education

Mr. Canavero, Deputy Superintendent with the Nevada Department of Education, stated his responsibilities include student achievement in Nevada. He commented that materials and everything that the Department of Ed has presented to the Legislature is located on the department website (<http://www.doe.nv.gov/home/HotTopics/>). Mr. Canavero read through the “Educational Initiatives of the New Nevada, Governor Sandoval’s Recommended Budget: 2015- 2017 Biennium” handout (Attachment A). The state received an award for the preschool development grant; the Department is planning to specifically target communities of high need. The high need is 200 percent or greater below the poverty line. The grant requires a state match. The Legislature has to approve a budget with that state match included.

Ms. Valentine asked if each school district can individualize how to use the funds under the college and career readiness grants.

Mr. Canavero replied yes, he has met with the rural superintendents who had a strong interest in offering the advanced coursework for students, but they do not have the teachers to provide it. That is where the idea to develop the 12th grade year of high school into engaging with the community colleges and universities to provide dual credits. Also include internships and externship opportunities within the community.

Special education funding in Nevada is based on units. It is a unit value of 39,000 from 2010; the unit is proposed to go up to 45,000 in 2016. There are over 3,000 of these units. These units are distributed to school districts and district uses that pot of money and encroaches on their general fund to provide students with disabilities the appropriate services. The Governor and Superintendent are suggesting that special education is the first category of pupil that will go to a weighted funding formula this biennium. The Zoom, Victory and the GATE proposals is funding to test the waters and to see if 1.5 is the right amount for those students. It was suggested that special education should be a 2.0 weight. The Department would like, during this biennium and under this budget, to take all the units in the second year of the biennium and put them into a pot of money and allocate it as a weighted funding formula based on students with disabilities. A stand-alone contingency fund of \$5 million will ensure that a district is not put into receivership, when they need any additional units.

Mr. Canavero commented that 78 schools were identified by the state as underperforming. Those 78 schools were underperforming based on total achievement, the greatest achievement gaps and schools that meet federal definitions for underperformance.

Ms. Taycher commended Mr. Canavero, Mr. Erquiaga and the Governor on the all the efforts around special education. She also commented that she is happy about the cap in place so that each school district is limited to 13 percent of children with disabilities in their district. She is concerned that with a weighted formula, districts would make more children eligible for special education in order to receive more money.

Mr. Canavero stated that as of currently there is no plan to remove that 13 percent cap. The cap does impact smaller school districts. One or two students could get the school over that cap.

Ms. Taycher asked the Department of Ed to keep special education in mind while moving forward in expanding charter schools.

Mr. Olsen asked if there are any initiatives to improve the quality of interpreters in school districts.

Mr. Canavero stated that there are not any that he is aware of. The department hears about pipeline challenges and the qualifications of teachers and special education staff, but not specifically interpreters. He will pass on the concern to Marva Cleven, who is the director of special education for the department.

Mr. Canavero stated that SB 13 was amended to everyone's best interest. Changing the language from best feasible to appropriate is what most people were concerned with. He apologized to the Commission and stated that approving the changed language was an oversight and that he was not trying to be disrespectful to all the work that had been done in the last session. The new version of SB13, which was approved to go through, has the amended language. "Appropriate" has been removed and "best feasible" has stayed in. the definition is still changed to align with the federal codes. "Emotional disturbances" was also kept instead of "serious emotional disturbances". The change to the diploma was also kept, by getting rid of the "adjusted diploma".

Ms. Taycher expressed concern about the Board of Trustees and its compliance with the Department of Justice and the Office for Civil Rights (OCR) guidance.

Mr. Canavero stated they will take another look at those guidelines. He told the Senate Committee on Education that the department is ready with the new amended language to SB 13. He would like to get the bill moving so that there can be further conversations and suggestions made about following those guidelines.

The Department of Education has had two budget presentations to the Legislature and will have another one on March 10th.

Mr. Olsen thanked Mr. Canavero and Ms. Bowers for attending the meeting and expressed gratitude for the positive results coming out of the Department of Education.

VII. Update and Overview, Including Any Recommendations for Further Action
On Budget and Bill Draft Requests (For Possible Action)

Brian Patchett, Commission Chairperson

Jon Sasser, Commission Member

March 6th is the beginning of budget hearings for the Division of Aging and Disability Services.

Ms. Berntson stated that the budget hearing will include some maintenance units for caseload growth for the waivers and for the long term care ombudsman program. ADSD wants to be able to hire more staff to handle EPS intake calls and administrative supports. There are a few Information Technology positions that are needed to support the Division. A large budget item is for the ATAP program.

Mr. Patchett stated that right now there is a waiting list of over 500 kids for the autism program and is projected to be over 700 by the end of the session. Some of the issues consist of the lack of funding and lack of providers. There is still a lack of understanding on what the Medicaid regulations will be for funding autism.

Ms. Valentine added that there will be some funding for Olmstead and Alzheimer's related activities, as well as funding for assistive technology for independent living. She also stated that within the Governor's budget and the budget that will be submitted to the PUC, ADSD is looking at adding additional staff. The specific position that will be in the Governor's recommended budget is the Social Services Specialist 3. That position would supervise the program specialists and the current support staff.

Mr. Olsen commented that the Commission recommended a staff position to focus on the interpreter registry.

Mr. Sasser read through the Disability Legislation Update list (Attachment B). AB6 is the autism bill that is scheduled for the Assembly Commerce Committee on March 6th.

AB29 passed out of the Assembly and the Senate without any amendments.

AB128 is a bill that came out of interim committee and talks about having a durable power of attorney for adults with intellectual disabilities. The problem is with healthcare providers unwillingness to believe that person has consented to receiving medical treatment. Some amendments have been made and sent back to Assemblywoman Teresa Benitez-Thompson who introduced the bill.

AB157 was heard on March 4th regarding the service animal statute proposed by the Nevada Resort Association.

AB200 is a bill that came out of the interim committee relating to the surcharge coming from the PUC and the funding that goes to the centers. There was a dispute between the PUC and the Division regarding the PUC's authority to approve or disapprove the Divisions proposed budget for the centers. The Supreme Court decided that the PUC did not have the authority to go through the Division's budget line by line. The PUC can reject the proposal as a whole. The case was not heard by the full court, it was heard by a three Judge panel. The

PUC can still move, within 18 days of the decision, for reconsideration. The Division recommended providing a budget amendment that includes the funding for the centers for this year and say that the payment source will be the PUC, so everything will line up if a bill is passed by the Legislature.

Mr. Sasser made a motion to send a letter to the Legislature supporting SB13 with the new language. Mr. Olsen seconded the motion. Motion passed.

There was a hearing on the Medicaid piece of autism during the budget hearing of the Division of Health Care Finance and Policy.

Mr. Olsen stated that he would like to hear more information about the Rehabilitation Division's budget and discuss further interpreter issues.

The Division's budget hearing is scheduled for March 18th.

Mr. Patchett stated that the NSRC is the advisory commission to Vocational Rehab and he doesn't believe there is anyone on that commission who is deaf or hard of hearing. He will reach out to the Chairperson of the Commission about adding an appropriate member.

SB132 is a bill that the Commission agreed to support. The bill was sent to the Senate Committee on Finance. Mr. Sasser expressed concern that the bill does not state who will actually provide training to the para professionals in the school districts.

Ms. Taycher commented that she would be supportive if each school district gets to choose and contract the appropriate service to meet their individual needs.

Mr. Olsen, Ms. Taycher and Mr. Patchett agreed to read more information about the concerns of SB132 and inform the rest of the Commission at a future meeting.

Mr. Sasser clarified that there is no money in the Governor's budget for an interpreter pool. BDR 420 is also a BDR for the Commission to keep an eye on.

VIII. Update and Report from the Subcommittee on Communication Services, Discussion and Possible Recommendations From Council **(For Possible Action)**
Julie Balderson, Social Services Program Specialist, ADSD

The Subcommittee on Communication Services voted to schedule all future meetings on the second Wednesday at the beginning of each quarter. This allows the subcommittee to review the most recent caseload information and budget monitoring on a fiscal year calendar. The next meeting will be April 8th in Reno.

IX. Discussion and Possible Determination of Issues and Agenda Items to be Considered or Deliberated at the Next Meeting **(For Possible Action)**
Brian Patchett, Commission Chairperson

1. Department of Education
2. Medicaid representatives to discuss new regulations for autism.

X. Confirm Dates for Future Meetings **(For Possible Action)**
Brian Patchett, Commission Chairperson

Ms. Valentine stated concerns about the budget accommodating monthly Commission meetings. Mr. Patchett asked if ADSD can provide the Commission with a budget breakdown of meeting costs. Mr. Patchett also suggested postponing the CSPD Nominating Subcommittee meeting until there are new members applicants to review.

The next Commission meeting will be scheduled for April 2nd at 10:00 am. Mr. Patchett clarified that the subcommittee previously referred to as the NRS 439 is now named the Legislative Subcommittee for the CSPD.

XI. Public Comment (May Include General Announcements by Commissioners) (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

No public comment was made.

XII. Adjournment
Brian Patchett, Commission Chairperson

Mr. Olsen made a motion to adjourn. Mr. Patchett seconded the motion. Motion passed. Meeting adjourned at 11:45 am.

Commission on Services for Persons with Disabilities Members

Brian Patchett (Chair), Mary Bryant (Co-Chair), Bill Heavilin, Gary Olsen, Jodi Sabal, Jon Sasser, Karen Taycher, Nicole Schomberg, Jennifer Pharr, Shelley Hendren

NOTE: Agenda items may be taken out of order, combined for consideration, and/ or removed from the agenda at the Chairperson's discretion. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body may place reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint.

NOTE: We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Desiree Bennett at (775) 687-0586 as soon as possible and at least five days in advance of the meeting. If you wish, you may e-mail her at dabennett@adsd.nv.gov. Supporting materials for this meeting are available at: 3416 Goni Rd, D-132, Carson City, NV 89706 or by contacting Desiree Bennett (775) 687-0586 or by email at dabennett@adsd.nv.gov

Agenda Posted at the Following Locations:

1. Aging and Disability Services Division, Carson City Office, 3416 Goni Road, Suite D-132, Carson City, NV 89706
2. Aging and Disability Services Division, Las Vegas Office, 1860 East Sahara Avenue, Las Vegas, NV 89104
3. Aging and Disability Services Division, Reno Office, 445 Apple Street, Suite 104, Reno, NV 89502
4. Aging and Disability Services Division, Elko Office, 1010 Ruby Vista Drive, Suite 104, Elko, NV 89801
5. Nevada Community Enrichment Program, 6375 West Charleston Boulevard, Ste. L200 Las Vegas, NV 89146
6. Southern Nevada Center for Independent Living, 6039 El Dora Street H-8, Las Vegas, NV 89101
7. Disability Resource Center, So. E. Greg St., Suite 102 Sparks, NV 89431
8. Nevada State Library and Archives, 100 North Stewart Street, Carson City, NV 89706
9. Desert Regional Center, 1391 South Jones Boulevard, Las Vegas, NV 89146
10. Sierra Regional Center, 605 South 21st Street, Reno, NV 89431
11. Rural Regional Center, 1665 Old Hot Springs Road, Carson City, NV 89706
12. Northern Nevada Center for Independent Living, 999 Pyramid Way, Sparks, NV 89431
13. Dept. of Health and Human Services, 4126 Technology Way, Carson City, NV 89706
14. Early Intervention Services, 2667 Enterprise Road, Reno, NV 89512

Notice of this meeting was posted on the Internet at: <http://www.adsd.nv.gov/> and <https://notice.nv.gov>