

Steve Sisolak
Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
Aging and Disability Services Division
Helping people. It's who we are and what we do.



Dena Schmidt
Administrator

Draft Minutes

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

Date and Time of Meeting: September 29, 2020
10:00 a.m.

This meeting will be held via video-conference only:

In accordance with Governor Sisolak's Declaration of Emergency Directive 006; Subsection 1; The requirement contained in NRS 241.023 (1) (b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

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Meeting Materials Available at: <http://adsd.nv.gov/Boards/SILC/Agendas/>

1. Welcome and Introductions
Diane Thorkildson, Chair

Members Present: Kelly Venci, Diane Thorkildson, Stacy Alaribe, Regina Daniel, Char Frost, Mechelle Merrill,

Members Excused Absent: David Daviton

Members Unexcused Absent: Erik Jimenez,

Guests: Lisa Bonie, Dora Martinez, Ophelia Simmons, Steven Cohen, Toni Clay, Adrienne Navarro, Deanna Gay, Ted Nagel, Kimberley Glass, Megan Wickland, Sayge Walsh, Susie, Cimi Neal, Ashley Cooper, Karyn Taycher, Eilish Kelderman, Mary Evilsizer, Jack Mayes, Kate Osti, Jon Sasser, Jennifer Kane, CJ Garic

CART Provider: Becky Van Auken

Staff: Dawn Lyons & Wendy Thornley

2. 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)

Ted Nagel: He lives in an assisted care facility in Gardnerville for the past two years, because he cannot find caregivers to help him at home. He is concerned with the availability of caregivers and the pay for caregivers to hire appropriate people. The cost for his stay at the facility is \$10,000 per month. He feels that Medicaid would only need to spend about half of that for him to have caregivers at his home. He has lost caregivers due to extremely low wages. The Medicaid-paid caregivers' wages were recently cut by \$1.50 per hour in the most recent Governor's budget.

Dawn Lyons: She let the group know that registration for the National Federation of the Blind Nevada state convention is free this year. The Dates are November 13th to the 15th, and they can register at NFBNevada.org.

Dora Martinez: the Vocational Rehabilitation (Voc Rehab) website is not accessible for blind people using mobile phones to interact with the website. She also urged the CSPD to help parents who have students in the Washoe County School District as well as Clark County School District.

Dawn Lyons: She had heard from Voc Rehab that they were aware of the issue and were working on it.

Mechelle Merrill: Two issues at play. The overall DETR website within which Voc Rehab or Rehab Division has pages, that is being looked at DETR-wide for accessibility issues.

As it's created above the agency level, it's created at the DETR level.

The new process for applications, be applied here aspect for Voc Rehab, they have had it tested twice by the developer specifically for screen readers, for tablets, computers, and smart phones, and they reassure us that it is compatible. That it is accessible.

She can't speak to the DETR-wide issue, which she appreciates, and Dawn is correct, DETR is working on it. Vickie Essner is helping them understand the issues and how to address them. But for the VR-specific things, they have worked with the developer and have addressed that.

Dora Martinez: Suggested that people with disabilities be included in the testing.

Kimberley Glass: She is disabled and has also struggled with home care services. She also mentioned the cut in pay for caregivers. She does not have family and is concerned with being put into a care facility. She has a child. She feels that the disabled community needs to have a say in their home health care.

3. Approval of Meeting Minutes from August 13, 2020 **(For Possible Action)**
Diane Thorkildson, Chair

Char Frost motioned to approve the minutes. Kelly Venci seconded. Motion carried.

4. Presentation Regarding Nevada Department of Education's Nevada Digital Learning Collaborative (NvDLC) decisions made at the State Education Agencies (SEA) Level to Support Students, Families, Educators, Administrators, etc. During the COVID-19 Crisis
Jennifer Kane, Educational Programs Professional, Nevada Department of Education

Jennifer Kane: This was something at the Nevada Department of Education when schools left on a Friday afternoon thinking students and teachers would be returning on Monday and in many cases especially in Clark County have remained closed.

This is an effort at the Nevada Department of Education, that was put into motion since that day occurred to really address the needs of students in our state.

Her original title prior to COVID-19 was an Education Programs Professional with the Office of Inclusive Education.

She is also now the Office of Inclusive Education representative for the Nevada Digital Learning Collaborative (NVDLC), she is a committee member that does all the work and is part of all those meetings which gives them and the families that they serve and the educators and administrators they serve, a voice at this table.

Which is so important for all of us.

She went over briefly, what the NCDLC mission and goals entail.

It's about ensuring educators, families and students receive equitable access with learning across Nevada.

It's different for teachers to do their regular job and then in addition to learning all of the platforms and things, has been really challenging for folks.

NVDLC helps make sure people have access and then they also have support as they learn across Nevada.

NVDLC's goals are to build educator capacity for increased digital teaching, in order for them to teach students, there's a huge learning curve for them.

They need to be thinking about teaching and their own learning and the learning of their students.

Creating comprehensive K through 12 courses for all educators and students to access through a statewide learning management system and she shared about the learning management system that was selected.

And then also to decrease the digital divide through access to devices and connectivity.

The motto is, "Learning anywhere, anytime, for everyone" and that includes students with disabilities. The Department of Education has a massive plan called the State Plan for the improvement of Pupils. All Nevada digital learning collaborative work must be in alignment and in accordance with that plan.

These are the four areas of that plan where their work is very specifically spelled out.

Goal One: Access to quality, providing quality professional learning for educators.

Goal Two: Transparency and engaging in effective communication.

Goal Three: Equity, increasing access to STEM learning (which is most of what she presented at this meeting).

Goal Six: Transparency, cultivating a public friendly department.

One of the very first things they did in addition to forming the NVDLC, was to make a platform that was accessible to every person who has the internet where NVDLC could share all the resources, and get information out to folks as quickly as possible.

They officially launched their website in June, they created NVdigitallearning.org.

It's available to anyone with internet.

If you want information as it rolls out every time a new lesson is created, every time a new resource is pushed out, you can subscribe to the website and you will get that information as it rolls out to the Nevada Department of Education.

Part of that was trying to take out the middleman and get the information resources to the people who needed them to use directly and immediately in their classrooms.

The next one is the usage on that website.

They didn't launch until mid-June so that's why there is a low number in June and they did an official press release at that time.

July and August numbers really went up and then in September went down a little bit.

They believe because teachers were so busy starting the school year, that their attention turned elsewhere.

They are starting an additional marketing push for this in October.

In September, the views that you see there are 4,759 from 17 different countries around the world.

That shows that this is not just a Nevada issue.

She talked about accessibility features for the website.

Issues for screen readers came up earlier in this meeting and NV DLC has been thinking about and keeping those needs at the forefront as well as the needs of English language learners and students who need things in different languages.

There are translation features for multiple languages.

Resources can be used online or they can be downloaded and printed.

All of the videos include closed captioning that are available through the website.

NV DLC has 243 people that have subscribed to receive the updates as they roll out so far, as of this morning.

When someone goes to the website, they land on the page and have options across the top that say Home, About, Experts, Resources, Content, and Contacts.

She focused on Resources for this presentation.

This is a great place for educators, families, individual students, to go and that is because resources are being rolled out constantly. More than 20 resources have been added since August 20th.

A user can choose multiple languages in the resources tab.

Resources can include subjects around COVID-19, elementary school subjects, social/emotional learning, and distance learning among others. Content creators include staff at the Nevada Department of Education and in April and May, they devised a method by which they were able to hire 80 Nevada Digital Engineers. The Nevada Digital Engineers include educators and administrators from districts across the state, as well as state public charter schools and private schools. These are the leading folks in digital and blended learning.

The people were doing this work in most cases prior to COVID.

The people who have seen the value in blended learning and bringing digital resources into the classroom well before March.

The digital engineers worked collaboratively with the NV DLC at the Nevada Department of Education.

NV DLC also works in partnership with Regional Professional Development Programs, (RPDP's), around the state including in the North, South and Rural regions.

What these educators and administrators, Nevada educators and administrators are building is digital and blended learning pedagogy and tools, platform expertise, building out curriculum and content, professional learning opportunities for educators, and support and resources for families.

NV DLC thought it was really important to have the best and the brightest folks from all across Nevada helping lead the charge to get things that are needed for students, families and educators out as quickly as possible.

The population center in Clark County School District is where the greatest number comes from, followed by Washoe County.

They have consumers from across all rural areas in the state, they have Native American Indian administrators engaged in the work, special educators, as well as gifted and talented people..

There are videos, digital tools and many more resources.

There are resources.

Out of the four digital engineer groups, one whole group is specifically building curriculum and content aligned to Nevada's standards from kindergarten through 12th grade for states and that is all happening at the same time.

The digital engineers are hired by NV DLC, they're paid for their work, they are given a deadline of the 20th of each month to develop and turn in their materials.

Then the Nevada Department of Education in collaboration with the regional professional development programs reviews and vet all of the information prior to them being pushed out live through the Nevada digital learning.org website.

NV DLC uses social media like tweets and they have a YouTube channel. Jennifer then shared information regarding professional learning opportunities, which can be accessed at the bottom of the homepage of the website. The professional learning calendar with all the different trainings that are available now and in the future for teachers, administrators, family members, students, educators, anybody who wants access to them has access to them. They are doing monthly webinars specifically for administrators, virtual professional learning communities in a forum the third Wednesday of every month for administrators.

They are doing bi-monthly podcast sessions for educators, monthly webinars and video learning for educators, monthly videos for parents and family engagement, which is a huge part of their work.

If teachers are struggling, so are students and families in the digital learning environment.

NV DLC has a section of their work that focuses on providing what's needed as far as training to students, parents and families. They do monthly Twitter chats on digital learning, the last Tuesday of every month. NV DLC just held their inaugural Growing Digital Learning in Nevada's first fall symposium the prior Saturday.

They had more than two hundred people participate, which speaks to the need for this information right now in our state.

For teachers who are completely overwhelmed, spending an entire 9:00 o'clock to 3 o'clock on a Saturday right at the beginning of the school year and having two hundred plus people participate really just speaks to how much the information is needed.

The resources from that growing Digital Learning Fall symposium will be available on that Nevada digital learning.org website.

People can view the sessions that were recorded, they're in the process of getting all of that information together and getting it on the website.

The event was so well received that they're already talking about what point in 2021 they will host the next one.

She will share the flyers and things as they roll out moving forward , to Dawn for people interested in that information.

Discovery education.

NV DLC paid and spent the time having the Nevada digital engineers build the k through 12 curriculum that will live on their learning management system coming out next, they also knew they needed to give them what they needed which is content and curriculum aligned to Nevada's standards for all students now.

They did a rigorous process and evaluation of what was available out in the field.

Looking at specifically from various points of view from the people who did review, they wanted to look at accessibility, at languages, make sure it was aligned to Nevada's standards, and had to be k through 12th grade.

What they ultimately partnered to bring to the state, was Discovery Education.

They have paid for and provided this for the 2020-21 and 21-22 school years.

NV DLC provides and pays for things and school districts get to opt in.

All 17 school districts and charter schools have opted in and launched Discovery Education.

This includes Nevada academic content standards for all core subject areas.

They have developed a micro site for Nevada that provides a professional learning schedule and resources specific to Discovery Education for Nevada.

The statewide training began the week of August 3rd.

Three hundred 50 administrators, curriculum leads and instructional coaches have participated in an on board to Discovery Education professional learning.

The training for teachers began August 10th.

A little star at the bottom, when we say all teachers, that refers to teachers and school districts and charter schools.

Discovery Education is available and fully created.

At the same time, those digital engineers are rolling out all the resources out of NV DLC's website, they also have people that are building in the Canvas Learning Management System curriculum and content that will eventually be what is hoped to replace Discovery Education with when they have it built. All teachers have access to Canvas in the state.

This refers to teachers and school districts and charter schools.

The technology integration, six school districts and 14 charter schools have opted in for full integration during the first year which is 2020/2021 of implementation of Canvas.

This is an opt in.

It's been provided and prepaid for any school district who chooses to opt in and this is where they are at for year one, six school districts and 14 charter schools have opted in.

Nevada State Consortium is available for resources and catalog development for statewide access to professional learning and development, and is also available to all those who opt in.

For Professional Learning Statewide training has begun for educators and district leaders.

NV DLC is also working with the state library system, Apple, Gates Center Foundation, Microsoft, Public Education Foundation, and One Place Nevada.

The goal of the Nevada Digital Learning Collaborative and ultimately the Nevada Department of Education is to continue to expand partnerships in support of educators, students and families.

They are constantly looking for others they can partner with to bring more resources, more supports, to the people in Nevada who need them.

NVDLC does a newsletter with monthly updates. On social media at NV Digital Learning, NV DLC or Digital Engineers.

You can subscribe to "Nevada Ready", their YouTube channel and subscribe to the website. And finally, while I am a member of the Nevada digital learning collaborative there to represent the office of inclusive education, there are two other women, Cindy and Jane who are our co leads for the work.

If anyone had a question specific to the disability community in relation to the NV DLC, they were asked to forward them to Wendy or Dawn.

5. Presentation and Discussion of the Management of Home and Community-Based Waiver Program (HCBW) for Intellectual or Developmental Disabilities (IDD) Population and Questions About Intake Processes for the Regional Centers

Jessica Adams, Deputy Administrator, Aging and Disability Services Division
Toni Clay, Developmental Specialist IV, Desert Regional Center

Toni Clay: Gave a presentation regarding intake services for all of the three regional centers in Nevada.

Regional Centers refer to state agencies that provide services to support individuals diagnosed with developmental disabilities and Desert Regional Center is the only state agency that provides services for individuals with developmental disabilities across their lifespan.

In Nevada, the three regional centers that are divided by the counties that they serve.

The first is Sierra Regional Center, that covers Washoe County.

The second is Rural Regional Center, that covers Carson City, Elko, Fallon, Fernley, Gardnerville, Winnemucca, Mesquite and Pahrump.

And Desert Regional Center covers Clark County and that's areas of Las Vegas, North Las Vegas, Henderson and Boulder City.

For Sierra and Rural, their offices are all located in one building.

For Desert Regional Center, there are a number of satellite offices, and their intake department is located in one of the satellite offices at 5550 West Flamingo Road in Las Vegas and also for community services have two satellite offices, another in the same location at another suite and then their downtown office at 720 South Center Street and their administrative office is located at 1391 South Jones in Las Vegas.

For the regional center intake offices, they all have the basic setup of a supervisor, intake specialist, and AA support.

For the Desert Regional Center, because they serve the largest population location in Nevada, they have eight intake specialists, four of which are fluent in Spanish.

They have an AA supervisor and an AA administrative assistant that also is fluent in Spanish, and Toni serves as an Intake Coordination Supervisor.

They have various ways that people can come in if they are interested in applying for services to get information. The first is through walk-ins

The offices are open Monday through Friday, 8:00 am to 5:00 p.m.

Because of COVID, state offices are closed.

But they are available if people need support in applying for services.

The second way is through phone contact.

They have a central phone line especially for people inquiring about intake and applying for

services.

That phone line goes into a system where it's picked up by an Administrative Assistant. Those calls are entered into an electronic system that they use, and forwards those calls on to the various intake staff that are on duty. They also get applications through fax.

They get the most applications through PR and application events.

Their biggest referral source is through the Clark County School District, followed by Clark County Department of Family Services.

They will hold events where families can come to, bring applications, and they work with the families on what paperwork is required to apply for services.

They have a system where people can mail in and a web inquiries where people can go through an email system and inquire about getting services from the Regional Center.

The intake department functions across the state as first to review the services and supports offered through Regional Centers.

The second is to support people with the intake process and review the eligibility guidelines to offer people information on various community resources, to provide linkage and referral information to families that either qualify or don't qualify for services and are looking for various service information that may be of support. They assist their DRC psychology department through administrative basic assessments to help most on eligibility and then, last, process cases for case opening.

The intake process assists applicants to gather the information to determine if the individual meets eligibility requirements.

Individuals can apply at the regional center based in the area which they live.

However, they can call any regional center and we will find out what area of the state they live in.

If they're not sure which regional center to call, and put them in contact with that regional center.

They have documents, that they request families gather to help them inform on eligibility.

And once that information is gathered, each regional center has an eligibility review committee that reviews the documentation that is received, and if they don't have enough documentation to confirm if a person has a developmental disability, they have a psychological department that is able to do testing and assessment to inform on eligibility.

It's a simple one-page application for services that puts together demographic information, name, address, if the person has a guardian, if they're receiving any other benefits, if they were in special ed.

There is a discussion with families about the specific documentation needed depending on what disability diagnosis they are applying for.

That includes school records, neurological assessments, psychiatric assessments, any medical reports, genetic reports, and then just additional demographic information, birth certified, Social Security cards, if they have Medicaid or any other medical insurance, Social Security.

They get income information if they have it, guardianship, adoption orders and that sort of thing.

They try to go over the application and the documentation required, which each applicant and their family, because the supporting documentation that we may be requesting may differ from person to person depending on what their disability diagnosis is.

They have multiple people that apply who have been diagnosed with both an intellectual disability and another type of developmental disability so they try to get as much documentation as they can around who made that diagnosis, what testing and assessments were used to make that diagnosis, so that history can be reviewed.

As far as the eligibility criteria for regional centers services go, a person can qualify for developmental services from the State for people under six. They are served initially, under a

general developmental delay diagnosis because kids that young, if they have continued services, typically changes after six.

More information is gathered as kids grow older about what their true disability diagnosis may be. Other developmental disabilities that are served, include Autism Spectrum Disorder, Seizure Disorder, Cerebral Palsy (CP), Traumatic Brain Injury, Fetal Alcohol or Fetal Drug Effect syndromes, Down's Syndrome, Fragile X, various genetic conditions, and Intellectual Disability are some of the diagnoses that people have that are served.

They define a developmental disability as a severe, chronic disability or attributed to neurological or genetic disorders found to be closer related to intellectual disability.

Conditions result in impairment of general intellectual function and/or results in adaptive behavior similar to that of a person with an intellectual disability.

Those are diagnosed during the developmental period.

For intellectual disability, those are typically diagnosed prior to 18 years and other developmental disabilities prior to age 22.

These disabilities are likely to continue indefinitely and result in substantially limit three or more major life area activities.

Kids under six are served under a Criteria Diagnosis of Developmental Delay.

They are reevaluated when they turn six to determine if they meet criteria under a diagnosis of intellectual disability or any other developmental disability.

Limitations refers to behavior that a person has to interface with their environment and these are in the major life areas of self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

How a person's disability diagnosis affects their ability to maneuver in those life areas is looked at.

This is just the definitions for those under self-care.

When these areas are looked at, they are looking at them in relation to a person's age and the milestones they should be meeting at a certain age.

Self-care refers to the demonstration of age-appropriate skills in toileting, eating, dressing, personal hygiene and grooming as well as understanding and use of language.

Things that are talked about include written communication, speaking in sign language ability, ability to understand communication of facial expressions, body movement, gestures, and touch.

They look at areas of learning, mobility, self-direction, capacity for living independently, and intellectual disability as already noted. It has to be diagnosed prior to 18 years of age and requires a diagnosis by a licensed psychologist or school psychologist.

Once a case is opened it is assigned to a service coordinator.

Families receive information on who their service coordinator would be and then their contact information.

For those people that are deemed not eligible for services, there is appeals process information that is sent to them.

They can appeal through ADSD appeals or through Nevada Medicaid appeals.

For those cases that would like appeal decisions, there is a statewide eligibility review committee and then a fair hearing process also offered through Nevada Medicaid.

And then those people that are not deemed eligible, other resources are looked into for them either in the community or through another state agency.

With Covid, it takes approximately 90 days from intake process until the application is approved. It depends on if all the needed testing and documentation is provided. Needing to get

documentation can take time for families, especially during summer break and Covid related shutdowns in businesses and schools. Pre-Covid, Desert Regional Center (DRC), was receiving roughly 75 applicants a month ranging in phone calls, inquiring calls were in the hundreds per month. Currently, if DRC has an individual's documents, the process goes very quickly. DRC does a lot of education around specific reports from the school district that families may not realize what they are.

For some of the school district records, a young adult, turns 25, all those reports that may be a psychological assessment or some sort of nursing assessment, they are getting rid of those and what DRC gets after that, is a transcript which just shows that they were served under Special Ed. All that testing and assessment reports a person may not be able to get.

So DRC is trying to get families to get those as their child transitions through school. It's really important to have those records.

For a number of services and supports, the regional centers contract out with community providers, in every case that's open, the person is assigned a case manager, maybe it will be called Service Coordinators or Developmental Specialists and it's that person's job to help see what some of the needs are for services and supports and build a team around getting those services and supports for the individual and their family.

They have various levels of residential services, contracted out with community providers. The same with jobs and day training programs.

They have various family support programs that include Respite, Purchase of Service vouchers and they can help families if they're struggling, with paying their utilities or getting food or sometimes getting adaptive equipment (AT).

We have a program Family Preservation Program which is a monetary stipend that families get a month who have a family member that has a severe profound intellectual disability diagnosis.

So the service coordinator works with the family to see what the specific need is.

And then what service and support systems they need.

Megan Wickland: Added that an initiative that's happening for ASD in conjunction with the Division of Welfare and Supportive Services that a technology initiative is being put forward by the Division of Welfare and Supportive Services in our next legislative session to streamline their waiver application process for all three of their home and community based waivers.

The centers for Medicaid and Medicare services, CMS, is going to provide 90% of the funding to make that technology happen, and the state would only have to provide 10% of the funding for that.

That will streamline and make everything electronic and much more efficient for individuals who are eligible for the waiver services and applying for those waivers.

Letters have been put forward to support the initiative to the Director's Office and the Governor's office from the Commission on Aging (COA), as well as the Interim Committee on Seniors, Veterans and Adults With Special Needs.

She wants to know if this Commission would like to write a letter in support of that initiative.

It was decided to put this letter item on the agenda for the next CSPD meeting. Megan will get the BDR language to this commission as soon as she gets it.

6. Discussion and Review of the Olmstead Act, Workforce Innovation and Opportunity Act (WIOA), and Senior Services Strategic Plan Accountability Committee (SPAC) to Discuss Future Direction of Commission

Jon Sasser, Guest and Karen Taycher, Executive Director, NVPEP

Jon Sasser: Following the passage of the ADA, a group called Nevadans for Equal Access (NEA), was put together and their job was basically to work with the Centers For Independent Living to try to get businesses to become accessible.

Things like doorway openings, ramps, ability to get in and out of restrooms, et cetera. For a period of a couple years NEA gave businesses a chance to change and if they didn't NEA would follow up with federal court lawsuits and sue and in every case they got a settlement at that point where the companies agreed to comply with the ADA.

That's when the Olmstead decision came down.

Olmstead was a U.S. Supreme Court case that was decided in June of 1999.

It was a lawsuit brought by a couple of residents of a state mental health facility in the state of Georgia who had been assessed a few years earlier by the staff there to say they didn't need to be in the institution, that they could thrive in a community-based setting but there was no community based programs available for them so, the lawsuit was brought, and the lawsuit interpreted the Americans With Disabilities Act provisions on provisions of government services to say that it's discrimination under the ADA if a state offers services only in an institution as opposed to in the community.

They had wonderful broad language about receipt of restrictive setting and how you're depriving people of the ability to be part of society by using these more restrictive settings to provide services.

It was found that it was discrimination under the ADA.

The state of Georgia was ordered to provide the community based services these folks needed. Part of the case talked about the state's defense and the state said, "We just don't have enough slots available in the community to serve these folks, so we're not discriminating on purpose, we just don't have the money and the community services available.

The court said that it would be a defense on the part of states if they could show that they had a plan to get people out of institutions or to serve people in the community and they are proceeding on that plan at a reasonable pace so that people that requested community based services would be able to have access to them within a reasonable period of time.

That led to what became known around the country, with each state adopting what's called an Olmstead plan.

That is their plan to show a court, if they were sued, that they are moving within a reasonable pace.

In general terms most people felt that if they could provide services within 90 days, then that was a reasonable waiting list for services.

After that case came out, a number of disability advocates got together and asked for a meeting with the then-director of the Department of Health and Human Services, to determine what's the state of Nevada going to be regarding this, is Nevada going to have an Olmstead plan in case of a lawsuit?

That led to a series of meetings, the Governor then appointed a disability task force that both Jon Sasser and Karen Taycher served on.

That led to appropriation by the 2001 legislative session to do an Olmstead plan, a strategic plan for people with disabilities to address Olmstead and other issues.

That led into 2003 legislation session to the plan that they had come up with being adopted by

resolution, the legislature as Nevada's official Olmstead Plan.

Then there was an appropriation for a committee to oversee the state's implementation of the plan.

That became the SPAC that for the next 10 years, monitored the 10-year plan that was put forward.

In that same session, the legislature created the Interim Committee on Disabilities which is now evolved into the Committee on Veterans and Seniors and Adults with Special Needs.

The first 2 years of that plan we came one a short term plan, we lobbied and got all of that plan to some degree adopted in the Governor's executive budget.

And moved forward from there.

After 10 years, the Strategic Plan Accountability Committee went away and it was replaced by a bill to the legislature to commit to create this body, the Commission on Services for People With Disabilities, Karen and Jon moved on to that body.

They saw their role to continue to monitor those Olmstead plans and update them as well as to look more broadly at the state government and local government's provision of services to people with disabilities and monitor those to hold agencies accountable, to bring forward needed legislation as they saw it from year to year, to advocate on behalf of budgets in the legislature, and so they carried on the work from there.

The Olmstead plan has been updated most recently in 2016 after appropriation they got through the legislature and is now the new strategic plan for the Division of Aging and Disability Services and also has been adopted as the state's Olmstead plan.

Karen Taycher: Justice Ruth Bader Ginsburg was the majority author of the Olmstead decision and said, "Unjustified isolation is properly regarded as discrimination based on disability."

The ADA is a Civil Rights Act, and the Olmstead decision further outlines the civil rights of individuals with disabilities.

Once the decision was made, the state of Nevada realized that Olmstead applied to children's issues.

Even though the case at hand was about adult issues, they were able to get the state to create a children's subcommittee to develop the Olmstead plan.

That subcommittee, had many advocates, parents, service providers and educators for a great amount of time working together to come up with the children's portion of the original Olmstead plan.

It covered things from children's issues, transition services, and kids transitioning from school into other services.

It covered some special education issues, respite, some issues related to children accessing regional centers, Medicaid issues, and children's mental health.

It's not just developmental disabilities, intellectual disabilities, but it definitely includes mental health.

In 2015, the U.S. Department of Justice investigated Georgia for their special schools.

They have a network, of special schools called GNs, where children with mental health needs attend those schools and those schools are not built in the same manner as regular schools and children do not have the access to fields and libraries and all the things that children not in the special schools would have.

The U.S. Department of Justice said in 2015 that they found unnecessary segregating of students with disabilities from their peers, and that they gave students unequal access to education.

General education, the curriculum.

The state of Georgia in that case did not agree and there's a class action suit right now that hasn't been decided.

Regina Daniel: Expressed concerns with an individual being forced to be mainstreamed and the social consequences of that.

Jon Sasser: Olmstead is a Supreme Court decision interpreting a law, Americans With Disabilities Act, there's no Olmstead law, Olmstead act per se.

There are guidelines that have been issued by the federal government to states about how they can comply with Olmstead so general guidelines or regulations but they're not statutes, it's not anything that congress has passed.

There are criteria that an individual meets, it's not that everybody is forced into what would could be called the mainstream.

There are criteria about who is appropriate for the services, and he does not think they're forced into the mainstream.

Since the original decision, new applications or new enforcement of the law in the community versus in an institution, but other types of isolation and looking at applying the law to things like sheltered workshops has led to new development over the last five or 6 years in the law.

Karen Taycher: It is individualized, all of our kids are different.

Whether you have a diagnosis of autism or intellectual disability, we're still all very different.

And the IDEA which was special ed for kids with disabilities and the ADA and the Olmstead decision are all based on individualized decision making.

DHHS has an overarching Olmstead plan that focuses in on behavioral healthcare.

And we focused on it in the SPAC and the CSPD as well.

There's a lot of data review and questions.

We were fortunate enough to have deputies or administrators attend the CSPD and the SPAC to respond to our questions.

And then they would let us know how we could help them reduce those waiting lists.

And as earlier, you were asked to support something with a letter.

We would definitely want to see the language and see exactly what we were being asked to support.

Jon Sasser: He was able to track things and lobby behind things that were supported by the commission and at each CSPD meeting, they would review both what their legislative agenda might be for the upcoming session, what legislation they might want to support with a letter of support or what they would like to do testimony on behalf of, but they would take positions on the various bills that they were behind and then the bills that other people brought and they would either support or oppose.

They opposed a number of bills as well.

As part of the handouts he gave was the legislation, 30 or 40 bills that were tracked during the 2017 session, which was Jon's last session there.

They also had interim authority set up between him as the legislative chair and then Brian Patchett was the Chair of the commission at the last couple sessions.

There was some authority that had been granted by the full commission to Bryan and Jon to make some judgment calls in terms of the opportunities or challenges that arise.

So they were able to respond in a timely manner.

They would also have legislative committee meetings in between full commission meetings. Part of their job was to bring forward recommendations to the full commission as to things to take a position on and what that position might be.

They, at one point, had a subcommittee on people with physical disabilities, they had the Deaf and Hard of Hearing Subcommittee, they saw those groups as people they wanted to bring legislative recommendations to the CSPD as a full commission.

They spent a great deal of time on that legislative process each year, before the session, in between sessions, at the interim committees to make presentations and to them if the CSPD thought there was legislation they wanted them to sponsor as interim committee bills for the following sessions that the CSPD could support.

The agencies would bring their bills that they planned to introduce to get the CSPD's response or reaction to those.

The CSPD did letters of support or recommendations from the commission.

Karen Taycher: There is an Olmstead plan for the State of Nevada for seniors and persons with disabilities. They have a counterpart, which is the Seniors Committee.

Diane Thorkildson: At the CSPD's last meeting, they had a robust discussion about developing much more collaboration with like-minded commissions, not just the seniors but some of the other disability-oriented commissions. The Deaf and Hard of Hearing are their own group now, the Autism Commission is now a full commission, not just an executive order commission. She has been actively working with Jeff Duncan, Cheyenne Pasquale, Dawn Lyons, and other people from ASD and they are in the process of organizing a meeting of all the Chairs of those commissions that will happen in early December.

Dawn Lyons: She thinks that the Commission on Aging (COA), would be appropriate to include because they had recently submitted a number of BDRs through the Interim Legislative Committee on Seniors, Veterans and Adults With Special Needs.

Karen Taycher: The mission of the Olmstead Plan is to ensure that older adults and persons with disabilities have the opportunity to achieve optimal quality of life in the community of their choice. There's guiding principles that talk about independence, access, dignity, integration, quality, and sustainability.

One of the goals that applies to this commission is accountability.

When they wrote the plan, it was important that the departments and divisions were accountable to this plan, and this commission (CSPD), was named as a group to help the Olmstead plan and the State of Nevada be accountable.

The DHHS needs to have a strategic framework, and Olmstead plan as well.

And their principles align with the ASD plan and basically says it's there to ensure that individuals have access to appropriate, timely services in the most integrated setting based on a self-determination plan.

The CSPD spent a lot of time trying to increase the options for people with disabilities as each individual is different, what will work for the individual is different as well.

Nevada does not have as many options as some of its counterparts in other states.

Increasing the different types of services and how individuals access them is important.

Jon Sasser: The CSPD's role is also to be aware of dates and to have the division administrator or the deputy in charge to discuss what the barriers are and what is the plan going forward.

The early CSPD dealt with some recessions and budget deficits, the deficits that the state is facing this year is beyond the scope of anything that they ever had to deal with.

One potential solution is a federal bailout for states that is the only real option to make Nevada close to whole in any of the areas, including this one.

Jon thinks some letters to federal reps, et cetera, might make a lot of sense.

The position of congress may or may not change after November.

But keep your eyes on the ball there for opportunities.

If that doesn't happen, Nevada is hugely in the hole and the only way to close that is with raising revenues, which is really a hard area to get involved with as a commission, but he thinks it's going to be the impact of these cuts.

We were hearing discussion of the home health attendants and PCA's today, what's the impact the budget crisis is going to have on them.

COVID is something they never had deal with.

Both in terms of access to government in general, to the special health challenges with people coming into other people's homes to provide services, seniors in nursing homes or assisted living or group care, kind of health challenges there, something they never had to deal with.

Karen Taycher: She is seeing a lot of families struggling to care for their children with the way things are turning out with the education system.

Also, in a lack of services, outside services, for their kids.

They are seeing more, very aggressive behaviors coming out, regression in behaviors, more children with disabilities are -- their families are trying to access specialized foster care because they don't have the support in the house to care for their children.

Access to medical and mental health care is diminished because a lack of providers will take Medicaid.

It's going to put more of a stress on the already stressed system.

As more children and families are not able to handle life without these services, they are going to turn to the system for support.

7. Discussion and Make Recommendations Regarding Pending and Possible New Applicants to Fill Current Commission Vacancies **(For Possible Action)**.

Diane Thorkildson, Chair

Diane Thorkildson: Stacy Alaribe received her appointment letter from the Director's Office and is officially, a member.

Regina Daniel motioned for the group to endorse Ophelia Simmons and Cimi Neal and for the Commission to forward their applications to the Director's Office. Kelly Venci seconded. The motion carried.

8. Discussion Regarding Legislative Issues from the August 27, 2020 SILC Legislative Subcommittee Meeting and Determination of Commission Priorities **(For Possible Action)**

Dawn Lyons, Executive Director, SILC

Dawn Lyons will put the summary of the legislative issues discussed at this meeting on August 27th, in an email.

9. Discussion and Presentation Regarding CSPD Annual Budget and Make Possible Determinations Regarding Frequency of Meetings Over the Next Fiscal Year (**For Possible Action**)

Dawn Lyons, Commission Staff

Dawn Lyons: She let the group know that this meeting will be the last one that she is providing staff services for. Jeff Duncan and Wendy Thornley will continue as staff for the Commission. According to what fiscal, what information the fiscal department gave her, meeting expenses and contracts including sign language interpreters and the CART transcript services, the CSPD has \$4,779 available for fiscal year 21.

However, if they do more budget cuts because of what legislature did in the interim session or in the special session regarding maintaining the budget, if they do happen to, she estimated if they cut it 30 percent it's going to be \$3,345. She provided a spreadsheet to the group in the meeting materials.

She estimated how much it would cost underneath that line item for four meetings, eight meetings, and 12 meetings based on a need for both CART and sign language interpreters, for 3-hour meetings.

The actual remaining dollar amounts from those budgets from the travel and contracts budgets are at the bottom.

Right now they have one meeting so far, this is the second meeting.

It will go down from there.

As of right now they have \$4,389 for those kinds of services and meeting expenses and with COVID, travel may be a non-issue.

If that does get cut 30 percent that would go down to \$934.50.

She put up at the right-hand side the sign language interpreters they have a contract as a state that requires 2 hours at \$78 an hour at minimum.

Their transcript providers, are required 3 hours minimum at \$130 per hour. Basically, it is \$390.00 per meeting.

So if you were to go over 2 hours with sign language interpreters it might cost more, but basically right now you're only looking at \$390 per meeting.

After four meetings for the year, which is quarterly, and only quarterly, so you've already gone over that by one meeting.

But if you had four meeting per year, the CSPD would have a remaining expense or contract budget of \$2,595.

So if they did the budget cuts, it might cut it close if the CSPD were to have three meetings more than that.

It might be more practical to have two meetings every quarter instead until legislature is over, would be her recommendation.

10. Discussion and Make Possible Determination of Issues and Agenda Items to be Considered or Deliberated at the Next Meeting (**For Possible Action**)

Diane Thorkildson, Chair

Accessibility of State websites including DETR
Budget reports from ADSD

Personal Care Attendant issues
Questions for Dept. of Ed.
Letter regarding technology

11. Confirm Date for Future Meeting
Diane Thorkildson, Chair

The next meeting date is scheduled for November 12, 2020 at 9:00 am.

12. 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)

Ted Nagel: He would like to see the Personal Care Attendant issues put early in the agenda.

Dora Martinez: She is sharing her Zoom with a blind parent of a child who is having difficulty with the school district website. The parent appreciates the Commission's time and understanding.

13. Adjournment
Diane Thorkildson, Chair

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 Wendy Thornley at (775) 687-0551 as soon as possible in advance of the meeting. If you wish, you may e-mail her at wthornley@adsd.nv.gov. In accordance with NRS 241.020, supporting materials for this meeting are available at: 3416 Goni Rd, D-132, Carson City, NV 89706 or by contacting Wendy Thornley at (775) 687-0551 or by email at wthornley@adsd.nv.gov

Agenda Posted at the Following Locations:

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

In accordance with Nevada Governor Sisolak's Declaration of Emergency Directive 006 there will not be a physical location for the Governor's Commission on Behavioral Health Meeting regarding the Annual Governor's Letter.

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in

NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.

As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.